



Town of Arlington Board of Selectmen

Meeting Agenda

July 24, 2017

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

PROCLAMATIONS

1. Proclamation: Police Officer Matthew Riley

FOR APPROVAL

2. Vote: Determination of the Maximum Useful Life of Two Planned FY2018 Capital Asset Purchases To Be Financed
Dean Carman, Treasurer & Collector of Taxes
3. For Approval: Request to Implement Optional Electronic Tax and Fee Billing System
Dean Carman, Treasurer & Collector of Taxes
4. Vote: Dangerous Dog Hearing Requested
Douglas W. Heim, Town Counsel

CONSENT AGENDA

5. Minutes of Meetings: June 19, 2017
6. Request: Special (One Day) Beer & Wine License, 8/5/17 @ Whittemore Robbins House for a Private Event
Queior and Glicksman Wedding
7. Request: Special (One Day) Beer & Wine License, 8/6/17 @ Whittemore Robbins House for the Cyrus Dallin Art Museum's Summer Soiree Fundraiser
Geri Tremblay, Cyrus Dallin Board of Trustees
8. Reappointments: Arlington Preservation Fund (terms to expire 8/31/2020)
Clark Griffith
Patrick Guthrie
9. Request: Contractor/Drainlayer License
Cavalieri Construction Company, Inc., Everett, MA
10. Appointment of New Election Workers: (1) Fernando Cuervo-Torello, 40 Columbia Road, D, Pct. 19; (2) Nicolas Cuervo-Torello, 40 Columbia Road, D, Pct. 19; (3) Julia Devlin, 354 Mystic Street, U, Pct. 13; (4) Patricia Kenna, 60 Hathaway Circle, U, Pct. 18; (5) Karen Lambrych, 53 School Street, D, Pct. 21; (6) Nora Maher, 64 Maynard Street, D, Pct. 21; (7) Mary Torpey, 975 Massachusetts Avenue, U, Pct. 13; (8) Anne Whitney, 19 Washington Avenue, D, Pct. 19

PUBLIC HEARINGS

11. 7:15 p.m. National Grid Petition/Wright Street (Public Way)
Michael Gerling, Permit Representative
(all abutters notified)
(tabled from 6.19.17 meeting)
12. 7:15 p.m. Spring Road (3 Spring Rd. to 15 Spring Rd.)
 - a) Request: Repair to Private Way
 - b) Betterment OrderMark Felix, 11 Spring Road

LICENSES & PERMITS

13. Request: Common Victualler License
The Granolabowl Cafe, 1346 Massachusetts Avenue, Emily Patel
Shared Retail Space with Arlington Art Lounge
14. Approval: Draft Liquor License Suspension Decision
Douglas W. Heim, Town Counsel
Restaurants:
 - a) Duet, 190 & 192 Massachusetts Avenue
 - b) Zhu's Garden, 166 Massachusetts AvenuePackage Store:
 - c) Alexander Liquors, 94B Summer StreetDouglas W. Heim, Town Counsel

CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

15. Request for Approval: Grove Street Crosswalk Referral to TAC
Adam W. Chapdelaine, Town Manager
16. Request for Approval: Stop Sign at Venner Road/Concord Turnpike
Adam W. Chapdelaine, Town Manager
17. Request for Approval: Electric Vehicle Parking Designation in Russell Common Lot
Adam W. Chapdelaine, Town Manager
18. Request for Approval: Parking Benefit District
 - a) Approval of District Map
 - b) Endorsement of District Spending PrioritiesAdam W. Chapdelaine, Town Manager
19. Consideration and Vote: Climate Change Pledge
Joseph A. Curro, Jr., Chair

CORRESPONDENCE RECEIVED

Request Return to 1 Hour Parking in Front of Arlington Chiropractic
Gregory Bauer, DC

Resignation from Zoning Board of Appeals

Suzanne Spinney

Island at Intersection of Route 2 and Pleasant Street

Cathleen Dwyer, 128 Pleasant Street

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of BoS August 7, 2017.



Town of Arlington, Massachusetts

Proclamation: Police Officer Matthew Riley

ATTACHMENTS:

Type	File Name	Description
Reference Material	Proclamation_07240217_Matthew_Riley_(1).pdf	Proclamation

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
STEVEN M. BYRNE, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
FAX
781-316-3029

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

PROCLAMATION

WHEREAS: Arlington Police Officer Matthew Riley was off-duty on the morning of Monday July 17th; and

WHEREAS: Officer Riley was enjoying time with his family at Walden Pond in Concord, Massachusetts; and

WHEREAS: An imperiled swimmer was in dire need of assistance; and

WHEREAS: Officer Riley took swift and selfless action, relying on his training and experience to perform a life-saving rescue of the endangered swimmer; and

WHEREAS: The people of Arlington wish to express their sincere gratitude for his heroic actions in answering the call of duty without regard for time or place;

NOW, THEREFORE, BE IT RESOLVED, that we, the Members of the Board of Selectmen do hereby proclaim July 24th to be Matthew Riley Day in the Town of Arlington, and thank him for his exemplary actions as both a citizen and Arlington Police Officer on behalf of all the Town's residents.

SELECTMEN
OF THE
TOWN
OF
ARLINGTON

A true record.
ATTEST:

By: _____
Board Administrator



Town of Arlington, Massachusetts

Vote: Determination of the Maximum Useful Life of Two Planned FY2018 Capital Asset Purchases To Be Financed

Summary:

Dean Carman, Treasurer & Collector of Taxes

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	D._Carman_memo_to_BoS.pdf	Memo to Board of Selectmen
▢ Reference Material	Proposed_Vote_D._Carman.pdf	Proposed Vote

On Thu, Jun 29, 2017 at 5:40 PM Dean Carman <DCarman@town.arlington.ma.us> wrote:

Marie:

Can you please add the following item to the Selectman's July 24, 2017 meeting agenda:

Review and determine the Maximum Useful Life of two planned FY2018 capital asset purchases that will be financed.

There's an attachment to this e-mail that will need to be included, and a brief summary of why we're asking for this vote, below.

Members of the Board of Selectmen:

As you recall from prior years, the town is allowed under applicable state law to extend the borrowing period for specific capital assets if it determines that the useful life of the capital asset is more than the borrowing period allowed by statute. We are requesting that two items be adjusted:

A fire truck, whose estimated life based on this vote will be extended from 5 to 20 years. As you may recall from prior Town Meeting discussions, Arlington firetrucks last a long time (20 to 30 years).

A DPW pick-up truck, whose estimate life based on this vote will be extended from 5 to 7 years. This extension of the useful life better reflects the utility of the asset.

The determination of these useful lives is consistent with the vote of Town Meeting in the Spring 2017, which was based on the report submitted by the Capital Planning Committee. Borrowing for these assets was approved by Town Meeting with a pro-forma 5 year borrowing schedule that assumed these adjustments would be made.

Thanks,

Dean

Dean Carman
Treasurer / Collector
Town of Arlington, MA

Attachments:

File: Proposed Vote of the BoS.pdf Size: 34k Content Type: application/pdf

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Arlington, Massachusetts, certify that at a meeting of the board held _____, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$900,00 borrowing authorized by the vote of the Town passed May 3, 2017 (Article 34) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
New Engine Pump	\$575,000	<u>20</u> Years
3-4 Ton Pick Up truck with lift gates and plows	\$85,000	<u>7</u> Years

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: _____, 2017

Clerk of the Board of Selectmen



Town of Arlington, Massachusetts

For Approval: Request to Implement Optional Electronic Tax and Fee Billing System

Summary:

Dean Carman, Treasurer & Collector of Taxes

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Request_to_Implement_Paperless_Billing_(1)_Memo_D._Carman.pdf	Memo from Town Treasurer
▣ Reference Material	MGL_Part_I.Title_IX._Chapter_60._Section_3A.pdf	MGL Part I/Title IX/Chapter 60/Section 3A

Office of Treasury and Tax Collection

*Town of Arlington, Massachusetts
730 Massachusetts Avenue
Arlington, MA 02476*

*Telephone Number: 781-316-3031
Facsimile Telephone: 781-316-3039*

Dean E. Carman
Treasurer & Collector of Taxes

Michael S. Morse
Deputy Treasurer & Collector of Taxes

TO: Members of the Board of Selectmen

FR: Dean Carman, Town Treasurer

RE: Request to implement optional electronic tax and fee billing system

DATE: July 19, 2017

On behalf of the dedicated team of town employees that are working to upgrade our financial systems, I write to request your approval, under M.G.L. c. 60, § 3A(b), to begin an optional program for taxpayers to receive electronic bills. As part of our Phase II implementation of tax collection upgrades, the Treasury and Tax Collection Office is ready to implement a paperless billing option as a means for taxpayers to receive their Real Estate and/or Personal Property tax bills.

The Town could realize a cost savings of \$.07 per bill and payment transaction if we switch to paperless billing and absorb the \$.25 ACH fee that is currently passed on to the customer.

This development will not only allow the Town to save money on printing and postage, it will also allow the constituent an eco-friendly alternative to receiving their bill, in the most efficient manner possible. As more and more individuals are receiving and paying their bills online, the Town of Arlington is always looking at ways to increase customer satisfaction and make the receiving and paying of bills as easy and convenient as possible.

To sign up for paperless billing, all one will need is an email address. Taxpayers will log on to the Town's payment processor at www.invoicecloud.com/arlingtonma to locate their account. After registering, the taxpayer is allowed to sign up for paperless billing, using information printed on their current paper bills, thereby providing a level of security to ensure that a taxpayer can sign up only for his or her own account. After signing up, an email will be sent asking the individual to confirm the selection. Upon confirmation, the process is complete. Any registrant can log on to his or her account to update their settings at any time or can call the Treasurer's Office for assistance.

In addition to paperless billing, we recently rolled out the ability to schedule payments for a future date or sign up for automatic payments of your Real Estate/Personal Property bill on a quarterly basis. This is an optional feature that allows the customer to set up a payment, either standalone or on a recurring basis.

The dedicated team of professionals who is implementing our new financial systems is looking forward to implementing these changes as well as additional features in the upcoming months.

Part I ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter 60** COLLECTION OF LOCAL TAXES**Section 3A** FORM OF BILL OR NOTICE; ELECTRONIC FORMAT;
NOTICES FOR RATES OF UTILITY FEES; NONPOLITICAL
MUNICIPAL INFORMATIONAL MATERIAL

Section 3A. (a) Each bill or notice shall be in a form approved by the commissioner and shall summarize the deadlines under section 59 of chapter 59 for applying for abatements and exemptions. Each bill or notice shall also have printed on it the last date for the assessed owner to apply for abatement and for exemptions under clauses other than those specifically listed in said section 59 of said chapter 59. Except in the case of a bill or notice for reassessed taxes under section 77 of said chapter 59, each bill shall also have printed on it the last date on which payment can be made without interest being due. If a bill or notice contains an erroneous payment or abatement application date that is later than the date established under said chapter 59, the date printed on the bill or notice shall be the deadline for payment or for applying for abatement or exemption, but if the error in the date is the wrong

year, the due date shall be the day and month as printed on the bill but for the current year. The commissioner may require, with respect to a city or town, that the tax bill or notice include such information as the commissioner may determine to be necessary to notify taxpayers of changes in the assessed valuation of the property. Each bill or notice for real or personal property tax shall have printed thereon in a conspicuous place the tax rate for each class within the town, as determined by the assessors. In addition, each bill or notice for a tax upon real property shall identify each parcel separately assessed by street and number or, if no street number has been assigned, by lot number, name of property or otherwise, shall describe the land, buildings and other things erected on or affixed to the property and shall state for each such parcel the assessed full and fair cash valuation, the classification, the residential or commercial exemption, if applicable, the total taxable valuation and the tax due and payable on such property. If the assessors have granted the owner an exemption under any clause specifically listed in said section 59 of said chapter 59, the bill or notice of such owner may also show the exemption and the tax, as exempted, that is due and payable on such property.

(b) The collector may issue the bill or notice required by section 3 in electronic form, provided that the electronic bill or notice meets the standards set forth in subsection (a). An electronic bill or notice issued shall be under voluntary programs established by

the collector, with the approval of the board of selectmen or mayor, as the case may be. No political subdivision shall require a taxpayer to take part in an electronic billing system or program.

(c) The collector may include in the envelope or electronic message in which a property tax bill is sent those bills or notices for rates, fees and charges assessed by the city or town for water or sewer use, solid waste disposal or collection or electric, gas or other utility services as may be authorized by ordinance or by-law; provided, however, that the bills or notices shall be separate and distinct from the property tax bills. The ordinance or by-law may authorize the collector, upon vote of any municipal water and sewer commission established by the city or town under chapter 40N or by special act, to include bills or notices for rates, fees or charges assessed by the commission for water or sewer use.

(d) The collector may, with the approval of the board of selectmen or mayor, as the case may be, include in the envelope or electronic message in which a property tax bill is sent nonpolitical municipal informational material; provided, however, that if such nonpolitical municipal informational material is mailed, it shall not be included if the material causes an increase in the postage required to mail the tax bill.

[Subsection (e) effective until November 7, 2016. For text effective November 7, 2016, see below.]

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (a). The electronic bill or notice issued under the program shall meet the standards required by law for such tax, excise, betterment or assessment bills or notices.

[Subsection (e) as amended by 2016, 218, Sec. 157 effective November 7, 2016. For text effective until November 7, 2016, see above.]

(e) The collector may issue an electronic bill or notice for any other tax, excise, betterment or assessment committed by the assessors under a voluntary electronic billing program established for such tax, excise, betterment or assessment in the manner set forth in subsection (b). The electronic bill or notice issued under the program shall meet the standards required by law for such tax, excise, betterment or assessment bills or notices.



Town of Arlington, Massachusetts

Vote: Dangerous Dog Hearing Requested

Summary:

Douglas W. Heim, Town Counsel

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Ref_Mat_7.24.17_Dangerous_Dog_Hearing_Request.pdf	Dangerous Dog Hearing Request
▢	Reference Material	Ref_Mat_7.24.17_dog_license.pdf	Dog License
▢	Reference Material	Ref_Mat_7.24.17_dog_history.pdf	Dog History

07/04/17

RECEIVED
SELECTIONS OFFICE
ARLINGTON VA 22202

2017 JUL 12 AM 9:17

Dear Board,

We are writing to request an urgent dangerous dog hearing. On Wednesday, June 28th our five year old daughter, Maria, was attacked and bitten by a neighbor's dog. Marie sustained several scratches and bruises, and, most alarmingly, a bite which left the flesh gaping open and required stitches.

We are scared and worried. In addition to Marie, we have a daughter, Lily - 3 years old, and a son, Daniel - 8 months old. We live at 24 Magnolia St on the first floor of a two-family condo. The dog involved belongs to a family living in the second unit, (26 Magnolia St.). We each own our own units, and the yard where Marie was bitten is common space.

The children's immediate proximity to the offending dog adds urgency and further seriousness to the situation.

It is important to mention that there are dozens of young children on our street, including one who already reported being 'bitten by' the same dog.

The attack on Maria marks the fifth time this dog has been reported to the police for biting a person. Of the five reports, Maria is already the third child bitten.

We kindly request your urgent attention. Thank you for your time and your service to the Arlington community.

Sincerely,

Parents of Maria Beshimov

Erdin Beshimov (617 943 2865)

Ellen Pfeiffer (202 641 8573)

Rabies Vaccination Certificate

Based on NASPHV form 50

Owner's Name & Address

Last Sample		First Emily		Telephone 781-723-6707	
No. & Street 26 Magnolia Street		City Arlington		State MA	Zip 02474
Species Canine	Sex MN	Age 5 yrs	Weight 49.2 Lbs	Breed Terrier Mix	Colors Black and whi

Name: Laddie

Chip: 0A121A7278

Producer: Pfizer (DOI 3)

Duration: 1 Year

S407982

Vacc. Serial (lot) No.

For Licensing Agency Use
License No. _____ Year 2015
_____ 20
_____ 20

Other
Change ☐ Add ☐
Control:

Date Vaccinated:
Fri, Jul 24, 2015
Rabies Tag #: 0590
Vaccine due again:
Sat, Jul 23, 2016

Vet Lic. #: 6365

Dr. Emily Neenan
Winter Hill Veterinary Clinic
257 Broadway
Somerville, MA 02145

Tel: 617-623-5075

Lic # 1719

Rabies Vaccination Certificate

Based on NASPHV form 50

Owner's Name & Address

Last Sample		First Emily		Telephone 617-817-1362	
No. & Street 26 Magnolia Street		City Arlington		State MA	Zip 02474
Species Canine	Sex MN	Age 6 yrs & 1 mo	Weight 50.4 Lbs	Breed Terrier Mix	Colors Black and whi
Name: Laddie				Chip: 0A121A7278	

Producer: Zoetis

Duration: 3 Years

S517556A

Vacc. Serial (lot) No.

For Licensing Agency Use
License No. _____ Year 2016
_____ 20
_____ 20

Other
Change ☐ Add ☐
Control:

Date Vaccinated:
Tue, Aug 09, 2016
Rabies Tag #: 1288
Vaccine due again:
Fri, Aug 09, 2019

Vet Lic. #: 6363

Dr. Lauren Borofsky
Winter Hill Veterinary Clinic
257 Broadway
Somerville, MA 02145

Tel: 617-623-5075

According to 105 CMR 330, vaccination certificates for dogs must be filed by the vaccinating veterinarian within 30 days with the clerk of the city or town where the dog owner resides. One copy shall be provided to the dog owner, and one copy shall be retained by the vaccinating veterinarian. According to 105 CMR 330, dogs must wear rabies tags at all time. Cats are not required to wear their rabies tags, however, cat owners must have the tag available at for inspection by authorized persons.

Sara Berman
26 Magnoli Street
Arlington, MA 02474

September 21, 2015

Ms. Katie Kozikowski
Animal Control Officer, Town of Arlington
112 Mystic Street
Arlington, MA 02474

Re: Allegation of Dog Bite by Megan Murphy
of 20 Magnolia Street, Arlington

Dear Ms. Kozikowski

Not one of the allegations made by Megan Murphy in connection with her complaint to your office was substantiated. In fact, two of the three allegations were false.

1) Ms. Murphy alleged that our dog Laddie bit her child. This allegation is false. When we all met at Ms. Murphy's home on Thursday September 16, 2015:

- Ms. Murphy admitted she did not witness the event.
- Ms. Murphy admitted that there was no break in the skin on the child's arm or leg attributable to an alleged "bite."
- Ms. Murphy offered no other witness account of the event.
- The sole witness statement came from Hector Berman-Sample who was present at the encounter. Hector stated that the dog jumped up and put his front paws on the child and returned to the ground of his own volition. He unequivocally stated that at no time did the dog bite the child.

2) Ms. Murphy alleged that Laddie had to be "dragged off" her child. This allegation is false. When we all met at Ms. Murphy's home on Thursday September 16, 2015:

- Ms. Murphy admitted that she did not see any such event. In fact, she admitted that she did not see anything happen between her child and our dog.
- Ms. Murphy offered no witness account or any other evidence in support of this allegation.
- The sole witness statement came from Hector Berman-Sample who stated unequivocally that the dog jumped up and put his paws on the child and

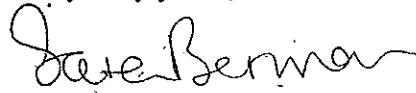
immediately returned to the ground of his own volition. Héctor then led him away.

3) Ms. Murphy alleged that her child received injury to one upper arm in the form of small bruises and to one leg in the form of small bruises and a scratch. Ms. Murphy admitted that the scratch was not consistent with a bite. None of these alleged injuries was substantiated.

- Immediately after the event I examined the child's arm (which was the only area mentioned at the time of the event). I saw no visible injury of any kind. I saw no alteration of her skin whatsoever
- The following morning, on approximately August 9, the child greeted me from her back yard. She was wearing a top with very short sleeves so I was able to observe her upper arm. I observed no injury or bruises of any kind and the child made no reference to any.
- Within a day or so after Ms. Murphy and her children returned from a short vacation, I saw the child in her yard. Again, I observed no sign of injury to the child.
- Although we are next door neighbors with a 5 year history of typical neighbor interactions, Ms. Murphy never called us, had a personal discussion, left a note or in any other way communicated to us her allegations that her child sustained any injury at all from our dog. The first time we heard any such allegation of a dog bite was when we returned from vacation on September 6 and found a notice from you indicating that you had attempted to contact us on August 28, while we were on vacation. Suggestion that there was an injury came even later.
- When we met on September 16, 2015 Ms. Murphy said that she did not inform us of her allegations of injuries because we were away on vacation. The statement is inaccurate. The interaction took place on or about August 8, 2015. Ms. Murphy was out of town from approximately August 9 to approximately August 16. I left for vacation on August 26. Thus there was an approximately 10 day period (August 16 – 26) during which Ms. Murphy could have personally notified us of injuries, had there, in fact, been any.
- Ms. Murphy offered no direct evidence whatsoever of any injury to her child. She provided no photograph or video of the alleged injuries or any doctor's report.
- If any such injuries existed they could have been documented at the time via any of the methods listed above and we could have easily been notified. No such evidence exists. These allegations of injuries are wholly unsubstantiated.

We are concerned that the practice at Arlington Animal Control is to adopt a complaining party's rendition of an event even if there is no supporting evidence, which is the case here. We object to any reference in Animal Control files to a "bite" or "injuries" by our dog as alleged by Ms. Murphy when this allegation—and the rest of her allegations—are wholly unsubstantiated. We request that this letter be included in your files in connection with this complaint and made a part of any findings you render.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sara Berman". The signature is fluid and extends to the right.

Sara Berman

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #

15019757 / 1

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #15019757 DATA

As Of 09/17/2015 10:13:57

BASIC INFORMATIONCASE TITLE

DOG BITE

LOCATION

26 MAGNOLIA ST

APT/UNIT #DATE/TIME REPORTED

08/31/2015 12:15:03

DATE/TIME OCCURRED

On or about 08/31/2015 12:15

INCIDENT TYPE/OFFENSE

DOG BITE

PERSONSROLE

INVOLVED PARTY

NAME

SAMPLE, EMILY

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

REPORTING PERSON

MURPHY, MEGAN

ADDRESS: 20 MAGNOLIA ARLINGTON, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 15019757 - 1 / KKOZIKOWSKI (CIV)DATE/TIME OF REPORT

08/31/2015 12:15:03

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

On Thursday 8/27 at 20:40 Animal Control Officer, Katie Kozikowski received the following email:

"Dear Animal Control,

I am writing to request information on what I need to do regarding a dog bite on my street.

I live on Magnolia street. On August 8th, my next door neighbor's dog escaped from his house, ran down his driveway, and bit my daughter while she was on the sidewalk between our houses. The dog bit her twice, once in the arm and once in the leg. She also received a scratch on her leg from the dog's claw that broke her skin.

The owners pulled the dog off of my daughter immediately after the attack as they had been outside at the time.

I understand from the animal control website that I must report the bites. The residence of the dog is 26 Magnolia St. and the dog's name is Laddie.

The neighbors assured me it would never happen again. I would like to know if other people have reported attacks from the same dog.

Thank you,

Megan Murphy
20 Magnolia St. #1
Arlington"

I stopped by both 20 & 26 Magnolia Street on 8/28 @ 11:00am, neither parties were home. A notification was left at 26 Magnolia Street (home of Emily Sample). I had not received a call from Emily over the weekend, I stopped by again at 2:50pm on 8/31, no one was home and it seems as though no one had been home since I had been here last (mail piling up and my notification was still on the door). I called the phone number we have listed for Emily, it went straight to voicemail, I left a message for her to call me ASAP. I also left a voice mail for Megan Murphy today as well to call me with more details on the bite/scratch. We have been playing phone/email tag. The last email I had received from Megan stated that she wanted this on record and will call the police if this should happen again. I am continuing to try to reach Megan in regards to this incident


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #

15019757 / 2

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #15019757 DATA

As Of 09/17/2015 10:13:57

BASIC INFORMATIONCASE TITLE

DOG BITE

LOCATION

26 MAGNOLIA ST

APT/UNIT #DATE/TIME REPORTED

08/31/2015 12:15:03

DATE/TIME OCCURRED

On or about 08/31/2015 12:15

INCIDENT TYPE/OFFENSE

DOG BITE

PERSONSROLE

INVOLVED PARTY

NAME

SAMPLE, EMILY

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

REPORTING PERSON

MURPHY, MEGAN

ADDRESS: 20 MAGNOLIA ARLINGTON, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 15019757 - 2 / KKOZIKOWSKI (CIV)DATE/TIME OF REPORT

08/31/2015 12:15:03

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

APPROVED

NARRATIVE

9/1/15 - Megan Ward returned my message today. She had said the family who lives at 26 Magnolia Street are currently on vacation which is probably why they have not gotten back to me yet.

Megan stated that the day the dog bite happened, her children and the dog owners children had been running around all day, making noise and playing tag. The dog had been on the back porch barking at them

throughout the day. Later on, towards the end of the day Megan stated that one of the kids or someone who lives at 26 Magnolia has accidentally left the porch door open and Laddie ran out and ran at her daughter Aurora Solorazano DOB 8/24/2008. She had been playing in the yard, the dog bit her in the upper arm near the shoulder and scratched her leg. Neither were puncture wounds, the only wound she had was from the dogs paw scratching her. Megan said one of the owners was very apologetic, the other blamed it on the kids being loud and running around. Megan stated that her daughter is fine now, they showed her proof of the rabies vaccine and Aurora did not need further treatment. Megan asked that I go by and speak with the owners to make sure this will not happen again.

Megan stated that Emily Sample and family are on vacation this week and she is not sure when she will be back. I left a door hanger note on their front door to call me in regards to the incident.

School starts next week so they should be back from vacation by then, I will be stopping by periodically throughout the week to try and catch them at home.

9/11/15 - Emily and I had set up a time to meet at 3:30pm today in regards to the "dog bite" incident, but we ended up speaking at Thorndike Field earlier as she was there with Laddie. From Emily's side of the story, Laddie did not bite Megan's daughter Aurora, she was told that the only mark Aurora had on her arm was an old one and not from the dog, with no other wounds present. I asked Emily if she would be comfortable setting up a meeting between her, Megan and I so we can get all of the info out together instead of me being the messenger and she was fine with it. I spoke with Megan who said she can meet on Monday 9/14/15 at 8am. I sent a confirmation email to both parties to confirm that this would work, Monday would not work so Thursday 9/17/15 at 8am would work better.

Emily brings Laddie to training classes at the MSPCA- Boston with Carol Bradford. I called and left a message with the desk at the MSPCA to have Carol call me to describe Laddie's behavior in class. Emily also stated that Laddie is CGC trained. Laddie was a very laid back dog when I met him today at the park, he does have terrier in him which could be why he is chasing after running children. We will all meet and figure out a solution to prevent this from reoccurring.

9/17/15 - I went over and met with Emily and Megan this morning. Emily, her partner, their 2 children and I went over to Megan's house at 20 Magnolia Street at 8:15am. We sat down in Megan's living room and had both Emily and Megan tell each other's side of the story. Neither party was present at the time of the incident, the children were the only ones who actually saw anything. Emily's son Ector stated that the kids were playing in the backyard, someone left the door open and Laddie had come running out, when he saw Laddie come out of the door he had told Aurora that she should go home. Ector stated that he had grabbed Laddie's collar, but that Laddie still was able to jump up on Aurora then jumped down, he stated that he did not see Laddie bite Aurora or scratch her. Ector had Laddie by the collar and brought him to Emily to bring inside. Aurora was not present at the meeting, Megan stated that she did not see any wounds on Aurora immediately after the incident, the next day they had left for vacation and Megan had noticed bruises on Aurora's arm that were consistent with dog teeth marks, and also saw a scratch on the back of Aurora's leg that was consistent with a dog scratch mark.

During the conversation, both parties could not agree on what had happened during the incident with Aurora and Laddie. Emily stated that she did not believe this incident ever happened and Megan had no proof that it had happened other than what she had seen. I did state during the meeting that Laddie did have a history of chasing another person that was running past the house so it could be something that is part of his breed, Emily was very upset that I brought past history up and said she will be filing an affidavit against that report. The conversation lasted about 30 minutes, both parties were able to agree that if Laddie was out in the yard that Megan's children were to go back to their house until he was brought back inside. Both parties also agreed that if the children were screaming in the yard, both parties would let their children know they had to discontinue. Both will make their children aware that they should not be continually screaming to aggravate the dog (decided upon by both parties). Megan made Emily fully aware that if Laddie should bite any of her children she will be calling the police immediately, for the time being their children will continue to play.

Outside after we had left Megan's house Emily spoke with me and told me she was upset that I had brought past history up, she stated that the man who the report claims that Laddie chased and grabbed his pants had actually attacked Laddie, grabbed him by the neck and pinned him down. Emily stated that she was the one who had to call the police and that she had to stand between them so the man did not hurt the dog. I told her she

can do what ever she feels necessary and I would be happy to read the report to her if she would like to see it. I was not present for any of these incidents, all that I am aware of is what it says in the reports.

The argument had been settled, either party will contact me if there is an issue with Laddie in the future.

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #

16004245 / 1

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #16004245 DATA

As Of 02/23/2016 11:30:48

BASIC INFORMATIONCASE TITLE

QUARANTINE

LOCATION

26 MAGNOLIA ST

APT/UNIT #DATE/TIME REPORTED

02/23/2016 07:37:21

DATE/TIME OCCURRED

On or about 02/23/2016 07:37

INCIDENT TYPE/OFFENSE

QUARANTINE

PERSONSROLE

INVOLVED PARTY

NAME

SAMPLE, EMILY

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INVOLVED PARTY

BERMAN, SARA

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INVOLVED PARTY

SOHN, EUNJOO

ADDRESS: 402 RINGE AVENUE CAMBRIDGE, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 16004245 - 1 / KKOZIKOWSKI (CIV)DATE/TIME OF REPORT

02/23/2016 07:37:21

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

This Animal Control Officer, Katie Kozikowski, reported to 26 Magnolia Street to release the dog "Laddie" from his 10 day rabies quarantine. In my professional opinion, "Laddie" does not appear to be showing any signs of rabies and looks very healthy.

I spoke with Emily and Sara in regards to how the muzzling has been going, they have not received the muzzle or 4 foot leash yet, it was ordered from Amazon. Emily showed me the delivery schedule and it should be coming in today, it was suppose to have arrived yesterday. I informed both Emily and Sara, that in my opinion, even though the quarantine is over they should wait until the muzzle and 4 foot leash arrive before taking "Laddie" out to walk in public areas, but they should still exercise him around the house and backyard. Both Emily and Sara agreed.

Emily stated that their next door neighbor's dogs tend to come in to the yard of 26 Magnolia and the dogs are off leash, Emily and Sara are going to mention to the neighbors to keep the dogs out of their yard, if there are any issues Emily and Sara will contact me and I will speak with the neighbors.

I called and left a message for Eunjoo to inform her that the quarantine is complete and to contact me with any questions she may have.

**ARLINGTON POLICE
ARLINGTON, MA****INCIDENT # / REPORT #**
16003893 / 1**OFFICER**
KKOZIKOWSKI**RANK**
CIV**REVIEW STATUS**
APPROVED**INCIDENT #16003893 DATA**

As Of 02/19/2016 09:34:53

BASIC INFORMATION**CASE TITLE**
QUARANTINE**LOCATION**
26 MAGNOLIA ST**APT/UNIT #****DATE/TIME REPORTED**
02/19/2016 09:08:20**DATE/TIME OCCURRED**
On or about 02/19/2016 09:08**INCIDENT TYPE/OFFENSE**
QUARANTINE**PERSONS**

ROLE	NAME	SEX	RACE
INVOLVED PARTY	SAMPLE, EMILY	FEMALE	WHITE
	ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA		
INVOLVED PARTY	BERMAN, SARA	FEMALE	WHITE
	ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA		
INJURED PERSON	SOHN, EUNJOO		
	ADDRESS: 402 RINGE AVENUE CAMBRIDGE, MA		

[NO OFFENDERS]**[NO VEHICLES]****[NO PROPERTY]****OFFICER REPORT: 16003893 - 1 / KKOZIKOWSKI (CIV)**

DATE/TIME OF REPORT	TYPE OF REPORT	REVIEW STATUS
02/19/2016 09:08:20	INCIDENT	APPROVED

NARRATIVE

This Animal Control Officer, Katie Kozikowski, placed "Laddie" a 5 1/2 yr old neutered male, bearded Collie/terrier mix on a bite quarantine per the department of agriculture for a skin break that occurred on 2/13/16. The quarantine will be in effect until 2/23/16.

"Laddie" is currently up to date with his rabies vaccination, his vaccine expires on 7/23/2016 and goes to Winter Hill Veterinary Clinic on Broadway in Somerville, MA


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #

16003714 / 1

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #16003714 DATA

As Of 02/19/2016 14:13:04

BASIC INFORMATIONCASE TITLE

DOG COMPLAINT

LOCATION

26 MAGNOLIA ST

APT/UNIT #DATE/TIME REPORTED

02/17/2016 07:33:06

DATE/TIME OCCURRED

On or about 02/17/2016 07:33

INCIDENT TYPE/OFFENSE

DOG COMP

PERSONSROLE

REPORTING PERSON

NAME

BERMAN, SARA

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INVOLVED PARTY

SAMPLE, EMILY

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INJURED PERSON

SOHN, EUNJOO

ADDRESS: 402 RINGE AVENUE CAMBRIDGE, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 16003714 - 1 / KKOZIKOWSKI (CIV)DATE/TIME OF REPORT

02/17/2016 07:33:06

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

This Animal Control Officer, Katie Kozikowski, received a voice message from Sara Berman on Sunday morning around 10am regarding an incident that occurred with her dog "Laddie" on Saturday evening around 5pm.

Sara asked if I could meet up in person this morning to discuss with her and her partner, Emily, the incident that occurred. I arrived at 26 Magnolia at 7:30am to speak with both Emily and Sara.

Emily lead the conversation stating that both her and Sara were walking "Laddie" on leash on the bike path inbetween Magnolia Field and Thorndike Field on Saturday evening. While they were walking, a female jogger with headphones proceeded to run past them. Emily stated that instead of jogging on the open part of the sidewalk next to them, the jogger chose to run in the snow, off the path and to the side of "Laddie", Emily and Sara. Sara stated that when the woman jogged in to the snow, "Laddie" turned her head and at the same time hit the woman running past in the leg with her face. Emily stated that there was a single puncture wound from one of "Laddie's" teeth, the woman was wearing nylon type pants. Sara and Emily stated that they offered to wait with her until the woman's husband arrived so she could go be seen by a doctor. Emily stated that she was able to show the woman proof that "Laddie" was up to date with her rabies vaccination. Emily also stated that the woman said they would be hearing from animal control because of the skin break. I have not received any phone calls or messages in regards to this incident. I let Emily and Sara know that if I hear anything, or figure out who the person bitten is, I will be sure to contact them with further instructions.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #

16003714 / 2

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #16003714 DATA

As Of 02/19/2016 14:13:04

BASIC INFORMATIONCASE TITLE

DOG COMPLAINT

LOCATION

26 MAGNOLIA ST

APT/UNIT #DATE/TIME REPORTED

02/17/2016 07:33:06

DATE/TIME OCCURRED

On or about 02/17/2016 07:33

INCIDENT TYPE/OFFENSE

DOG COMP

PERSONSROLE

REPORTING PERSON

NAME

BERMAN, SARA

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INVOLVED PARTY

SAMPLE, EMILY

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INJURED PERSON

SOHN, EUNJOO

ADDRESS: 402 RINGE AVENUE CAMBRIDGE, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 16003714 - 2 / KKOZIKOWSKI (CIV)DATE/TIME OF REPORT

02/17/2016 07:33:06

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

APPROVED

NARRATIVE

This Animal Control Officer, Katie Kozikowski, received a phone call from Eunjoo Sohn in regards to the incident with "Laddie" on Saturday.

Eunjoo stated that on Saturday around 4ishpm, she was running on the

bike path near Thorndike field, she stated that she ran past Emily, Sara and "Laddie", they were taking up 2 lanes on the bike path so she ran around them. Eunjoo stated that she ran past them then realized she realized that she was bitten by the dog. Eunjoo stated that she was not really paying attention so she does not know if the dog jumped up on her and bit her, but she has 2 puncture wounds in her leg from the bite. Eunjoo asked if this dog did this frequently because the two women who were walking the dog were not apologetic and Eunjoo stated that one of them said to her that "Laddie" has a rabies vaccine, she should just wash it off and she would be fine.

Eunjoo stated that she went to Mt. Auburn Hospital in Cambridge, she was given a Tetanus booster vaccination and was put on 7 days of antibiotics.

Eunjoo stated that she did fall over and has scrapes on her knees and bruises.

I informed Eunjoo that "Laddie" will be put on a 10 day quarantine, I will be in contact with her before the 10 days are up if any signs of rabies are showing, otherwise I will contact her after the quarantine is complete.

I will be meeting with Emily and Sara tomorrow morning to discuss the incident and figure out the best plan for "Laddie"

"Laddie" is up to date with her rabies vaccination, she goes to Winter Hill Vet Clinic in Somerville, MA. Her next rabies vaccine is due on 7/23/2016.

I called Eunjoo back and left a message to let her know "Laddie" is up to date and also asked her to write me an email with a description of the event since it differs from what Emily and Sara stated.

Attached an email from Eunjoo stating what she saw/believes to have happened on Saturday. Also attached is a photo of the bite wounds.

**ARLINGTON POLICE
ARLINGTON, MA****INCIDENT # / REPORT #**

16003714 / 3

OFFICER

KKOZIKOWSKI

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #16003714 DATA

As Of 02/19/2016 14:13:04

BASIC INFORMATION**CASE TITLE**

DOG COMPLAINT

LOCATION

26 MAGNOLIA ST

APT/UNIT #**DATE/TIME REPORTED**

02/17/2016 07:33:06

DATE/TIME OCCURRED

On or about 02/17/2016 07:33

INCIDENT TYPE/OFFENSE

DOG COMP

PERSONS**ROLE****NAME****SEX****RACE**

REPORTING PERSON

BERMAN, SARA

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INVOLVED PARTY

SAMPLE, EMILY

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

INJURED PERSON

SOHN, EUNJOO

ADDRESS: 402 RINGE AVENUE CAMBRIDGE, MA**[NO OFFENDERS]****[NO VEHICLES]****[NO PROPERTY]****OFFICER REPORT: 16003714 - 3 / KKOZIKOWSKI (CIV)****DATE/TIME OF REPORT**

02/17/2016 07:33:06

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

APPROVED

NARRATIVE

This Animal Control Officer, Katie Kozikowski, reported to 26 Magnolia Street to speak with Emily Sample and Sara Burman in regards to the incident that occurred on Saturday 2/13/16 with their dog "Laddie" since the information I received from the jogger that was bitten was different

than what Sara and Emily had reported.

I met with Emily and Sara at or about 7:30am until about 8:30am this morning. I informed both parties that the jogger, Eunjoo, reported that she had 2 puncture wounds in her leg and that she fell after being bitten by "Laddie". I also informed them that Eunjoo asked if "Laddie" had other issues with biting people because of how she reported that Emily and Sara reacted to the incident.

During the meeting, Emily, Sara and I discussed how to best keep "Laddie" from having any more of these incidents. I recommended keeping "Laddie" on a 4 foot lead and/or have him wear a basket muzzle when out in public, see the letter attached signed by both Emily and Sara.

I did inform Emily and Sara that anyone can request a dangerous dog hearing, but if they do not follow my recommendations and "Laddie" has another incident breaking skin on someone, then a hearing will be requested for them. Emily and Sara agreed that they will be purchasing a basket muzzle ASAP as well as a 4 foot lead. I also recommended a head harness if the basket muzzle isn't working, but only in worse case senario if "Laddie" could not keep the muzzle on. Emily also mentioned taking "Laddie" to more classes to keep up their relationship with each other and to keep "Laddie" busy.

I will be following up with "Laddie" on the 23rd after his quarantine is complete, Emily will also send me picture text updates on how "Laddie" is doing and coping with his new basket muzzle.

My interaction with "Laddie" today was, again, positive. He greated me as I approached the upstairs and sat politely at my feet during the discussion. At the end he sat up for pets and gave me his paw.

After I had left 26 Magnolia, I received a phone call from Eunjoo Sohn she agreed that she would email me a statement on what had occured as well as pictures of her injury. She stated that she has been bleeding for 3 days. Eunjoo asked what would be happening with "Laddie" and I told her the plan I had discussed with Emily and Sara.

ARLINGTON POLICE DEPARTMENT

FREDERICK RYAN
Chief of Police



Town of Arlington
MASSACHUSETTS 02474

POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900

Date: 2/18/2016

Reference: Incident # 16003714

Emily Sample and Sara Burman
26 Magnolia Street
Arlington, MA 02474

A handwritten signature in cursive script, appearing to read "Sara Burman".

Dear Emily and Sara,

I have met with you twice, once in August of 2015 and just recently in February of 2016, in regards to two separate incidents with your dog "Laddie" who resides with you at 26 Magnolia Street in Arlington, MA. Both incidents discussed have involved "Laddie" using her mouth on a person (one being a child) running past or near her. There are 2 previous incidents that I have located in the police records, one in 2013 and one in 2012 where the previous Animal Control Officer assisted with dog bites that involved "Laddie", I cannot comment on these as they were before my time as the Animal Control Officer. As I had previously discussed with you, most incidents seem to be from people running past "Laddie" which can elicit a chase instinct that is present in most dogs, it does not appear to be out of aggression but more of a chase and grab. On the 3 occasions I have met "Laddie" she appears to be very friendly and relaxed every time. I do believe that she is a good, well behaved dog but also believe she does have a chase instinct. With these past incidents, my recommendations to you will be to keep "Laddie" on a short, four foot leash or use a basket muzzle when taking her on walks to avoid any more potential bites, whether they be by accident or not. If these recommendations are not followed, and she bites again, you will be called to a dangerous dog hearing and will be required to present yourself in front of the selectmen with the town of Arlington. I would like to avoid this, if possible, and see what type of plan we can come up with to prevent this from continuing to occur and I will do as much as I can within my power to assist you with what needs to be done.

If I can be of any other assistance with this matter, feel free to contact me at the number below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katie Kozikowski".

Katie Kozikowski, Animal Control Officer
Arlington Police Department
Office: (781) 316-3950
kkozikowski@town.arlington.ma.us

A handwritten signature in cursive script, appearing to read "Katie Kozikowski".

"Proactive and Proud"

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #

13014730 / 1

OFFICER

SAVILL E

RANK

PTL

REVIEW STATUS

APPROVED

INCIDENT #13014730 DATA

As Of 08/19/2013 15:11:44

BASIC INFORMATIONCASE TITLE

DOG BITE

LOCATION

52 LAKE ST

APT/UNIT #DATE/TIME REPORTED

06/12/2013 18:56:02

DATE/TIME OCCURRED

[UNSPECIFIED]

INCIDENT TYPE/OFFENSE

DOG BITE

PERSONSROLE

INVOLVED PARTY

NAME

SAMPLE, EMILY

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

VICTIM

DEBRUN, STANISLAW

MALE

WHITE

ADDRESS: 22 ALFRED RD ARLINGTON, MA

PARENT

PANSZCZYK, EVA

FEMALE

WHITE

ADDRESS: 22 ALFRED RD ARLINGTON, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 13014730 - 1 / SAVILL E (PTL)DATE/TIME OF REPORT

06/12/2013 18:56:02

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

On 06/12/2013, at 1856hrs., this officer responded to 22 Alfred Rd. to investigate a past dog bite. The rp, Eva Panszczyk, stated that her son, Stanislaw Debrun, was bitten by a leashed dog at The Hardy School approximately three weeks ago. The dog bit her son on the left fore arm

outside the school adjacent to the bike rack. Eva was present and spoke with the dog owner, Emily Sample. Eva's son was then examined by the school nurse who stated that the skin was not punctured and he did not need to be seen by a doctor. Eva is now concerned that the dog may be allowed back on school property and her son is afraid of this dog. This officer responded to 26 Magnolia St. to speak with Emily Sample. Emily stated that her dog is a licensed black & white Half Porter Collier Terrier. Emily corroborated the above statement by Eva but thought her dog just scratched her son's skin. Emily stated that she would like to be able to bring her dog back on school property with the proper authorization. This officer informed all parties that the Animal Control Officer would follow-up this investigation.

**ARLINGTON POLICE
ARLINGTON, MA****INCIDENT # / REPORT #**

13014730 / 2

OFFICER

QUINTAL, TOM

RANK

CIV

REVIEW STATUS

APPROVED

INCIDENT #13014730 DATA

As Of 08/19/2013 15:11:44

BASIC INFORMATION**CASE TITLE**

DOG BITE

LOCATION

52 LAKE ST

APT/UNIT #**DATE/TIME REPORTED**

06/12/2013 18:56:02

DATE/TIME OCCURRED

[UNSPECIFIED]

INCIDENT TYPE/OFFENSE

DOG BITE

PERSONS**ROLE**

INVOLVED PARTY

NAME

SAMPLE, EMILY

SEX

FEMALE

RACE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

VICTIM

DEBRUN, STANISLAW

MALE

WHITE

ADDRESS: 22 ALFRED RD ARLINGTON, MA

PARENT

PANSZCZYK, EVA

FEMALE

WHITE

ADDRESS: 22 ALFRED RD ARLINGTON, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 13014730 - 2 / QUINTAL, TOM (CIV)**DATE/TIME OF REPORT**

06/12/2013 18:56:02

TYPE OF REPORT

SUPPLEMENT

REVIEW STATUS

APPROVED

NARRATIVE

This Officer Contacted the Hardy School Nurse Susan Franchi Wed. 12, June via the School Voice Mail System regarding this Incident.

This Officer went to the Hardy School 13, June at approximately 09:00

Hours and met with the School Nurse, Ms. Susan Franchi regarding the Dog Bite Incident.

This Officer provided Ms. Franchi with the Town By-Law regarding dogs on school property while in session.

This Officer advised Ms. Franchi of the State of MA Protocol regarding Dog Bites and the Reporting Process. i.e. Police and Board of Health Notification.

This Officer advised Ms. Franchi that this dog has bitten another resident in the past.

Ms. Franchi advised me she would speak to the School Principal regarding our meeting regarding this Incident and taking the necessary action as per the Town By-Law regarding dogs on school property while in session.

Ms. Franchi contacted this Officer June 14, 2013 at approximately 14:30 hours and advised me the Principal had spoke to both parties, Ms Sample and Ms. Eva Panszczyk regarding dogs on school Property while school was in session.

This Officer left voice mail messages for Ms. Panszczyk and Ms. Sample June 14, 2013 at approximately 15:00 hours.

The message left was to confirm that they understood what the Principal of the Hardy School advised and if they had any questions they could contact me.

This Officer issued a citation to Ms. Sample for failing to register her dog as required by Town By-Law and the State Of MA. General Laws.

This dog was not quarantined since the incident occurred on April 30, 2013 and ten days have past and the canine known as Laddie a Border Collie mix was in good health on June 12, 2013 upon Officer Saville's Report.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #

12010508 / 1

OFFICER

FOLEY, M

RANK

PTL

REVIEW STATUS

APPROVED

INCIDENT #12010508 DATA

As Of 05/31/2012 08:37:39

BASIC INFORMATIONCASE TITLE

DOG BITE

LOCATION

FAIRMONT ST & HERBERT RD

APT/UNIT #DATE/TIME REPORTED

05/15/2012 13:32:37

DATE/TIME OCCURRED

05/15/2012 13:15 to 05/15/2012 13:32

INCIDENT TYPE/OFFENSE

DOG BITE

PERSONSROLE

VICTIM

NAME

DAVEY, JONATHAN

SEX

MALE

RACE

WHITE

ADDRESS: 59 PALMER ST ARLINGTON, MA

INVOLVED PARTY

SAMPLE, EMILY

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 12010508 - 1 / FOLEY, M (PTL)DATE/TIME OF REPORT

05/15/2012 13:32:37

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

On Tuesday, May 15, 2012, at approximately 1332 hours, this Officer M. Foley, while assigned to Sector 2, car 352, responded to Herbert Rd. at Fairmont St. for a dog bite.

Upon arrival this Officer was met by the Victim Jonathan Davey, who stated that while running down the pathway adjacent to Boulevard Rd, he was attacked by a dog. Davey stated that the dog "charged him", jumped

up and bit his leg. Davey stated that he then attempted to grab the dog to check his tags. Davey stated at that time the dog owner came over and started yelling at him. Davey stated that he is afraid of dogs and just wanted the incident documented. This Officer did observe a small hole in Davey's shorts but there was no sign of trauma to him body in that area.

This Officer then spoke to Emily Sample, the dog owner, who stated that her dog was off leash and did run past Davey but she did not believe the dog bit him. Sample stated that Davey was very rude and aggressive towards her and her dog in his attempts to get the dogs License number.

ACO was notified and responding to Sample's residence.

Dog License #1489, Rabies Tag #0251.

**ARLINGTON POLICE
ARLINGTON, MA****INCIDENT # / REPORT #**
12010508 / 2**OFFICER**
QUINTAL, TOM**RANK**
CIV**REVIEW STATUS**
APPROVED**INCIDENT #12010508 DATA**

As Of 05/31/2012 08:37:39

BASIC INFORMATION**CASE TITLE**
DOG BITE**LOCATION**
FAIRMONT ST & HERBERT RD**APT/UNIT #****DATE/TIME REPORTED**
05/15/2012 13:32:37**DATE/TIME OCCURRED**
05/15/2012 13:15 to 05/15/2012 13:32**INCIDENT TYPE/OFFENSE**
DOG BITE**PERSONS****ROLE**
VICTIM**NAME**
DAVEY, JONATHAN**SEX**
MALE**RACE**
WHITE**ADDRESS:** 59 PALMER ST ARLINGTON, MA

INVOLVED PARTY

SAMPLE, EMILY

FEMALE

WHITE

ADDRESS: 26 MAGNOLIA ST ARLINGTON, MA**[NO OFFENDERS]****[NO VEHICLES]****[NO PROPERTY]****OFFICER REPORT: 12010508 - 2 / QUINTAL, TOM (CIV)****DATE/TIME OF REPORT**
05/15/2012 13:32:37**TYPE OF REPORT**
SUPPLEMENT**REVIEW STATUS**
APPROVED**NARRATIVE**

This officer reported to 26 Magnolia Street to follow up on a reported Dog Bite May 15, 2012 at approximately 15:00 hours.

This Officer contacted Ms. Emily Sample and advised her of the Quarantine Process.

The Canine known as Laddie a Black and White Terrier mix was

Quarantined as Per MGL Chapter 129 Section 2, 21, 22.

This Officer released the Canine Laddie from quarantine May 25, 2012.
Laddie does not in my opinion show symptoms of any infectious disease.



Town of Arlington, Massachusetts

Minutes of Meetings: June 19, 2017

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	6.19.17_draft_minutes.docx	Draft Minutes 6.19.17

TOWN OF ARLINGTON
BOARD OF SELECTMEN
Meeting Minutes
Monday, June 19, 2017
7:15 PM

Present: Mr. Curro, Chair, Mr. Byrne, Vice Chair, Mr. Greeley, Mrs. Mahon, and Mr. Dunn
Also Present: Mr. Chapdelaine, Mr. Heim and Mrs. Krepelka

Mr. Curro announced that Dasty, the Town's K9 German Shepherd, died yesterday after a brief battle with cancer. Dasty was partner with Officer Michael Hogan and has been with the Arlington Police Department for the past 12 years. Mr. Curro stated that Dasty was everything the department could expect from a modern police officer to say nothing about his performance as a K9 Dog. Dasty will be greatly missed and the Board sends its condolences to Officer Michael Hogan.

CONSENT AGENDA

1. Minutes of Meetings: June 5, 2017
Mrs. Mahon moved approval. SO VOTED (4-0-1)
Mr. Byrne abstained.
2. Reappointment: Minuteman School Committee, Arlington Representative
Sue Sheffler
(term July 1, 2017 - June 30, 2020)
3. For Approval: Arlington International Film Festival Banners
April L. Ranck, Executive Director, AIFF
4. Request: Special (One Day) Beer & Wine License, 6/24/17 @ 20 Westminster Avenue
for '20 Westminster goes into Construction Dance Party'
Pamela Hallett, Housing Corporation of Arlington
Mrs. Mahon moved approval subject to all conditions as set forth. SO VOTED (5-0)
5. Appointment of New Election Worker: (1) Eileen Davie, 134 Lake Street, U, Pct. 6
Mrs. Mahon moved approval. SO VOTED (5-0)

PUBLIC HEARINGS

6. 7:15 p.m. National Grid Petition/Wright Street (Public Way)
Barbara Kelleher, Permit Representative
(all abutters notified)
Mrs. Mahon moved to table until the next meeting of the BOS on July 24, 2017. SO VOTED (5-0)

7. 7:15 p.m. Alcohol Compliance Hearing

Restaurants:

a) Duet, 190 & 192 Massachusetts Avenue

Mr. Dunn moved to suspend license for three days, commencing on a Monday after the final vote on July 24th. SO VOTED (5-0)

The Board issued a three-day liquor license suspension to Bistro Duet after the establishment failed alcohol compliance check.

b) Zhu's Garden, 166 Massachusetts Avenue

Mrs. Mahon moved to suspend license for three days, commencing on a Monday after the final vote on July 24th.

The Board issued a three-day liquor license suspension to Zhu's Garden after the establishment failed alcohol compliance check. SO VOTED (5-0)

a) Alexander Liquors, 94B Summer Street

Package Store

Douglas W. Heim, Town Counsel

Mrs. Mahon moved to institute the initial five day suspended license immediately and then made a motion for revocation on the license of Arlington Liquors. The motion passed 3-2 with Chairman Curro, Mr. Dunn and Mrs. Mahon voted in the affirmative while Mr. Greeley and Mr. Byrne voted against revocation. SO VOTED (3-2)

* The eighty-four (84) page transcript of the Alcohol Compliance Hearings is available in the Selectmen's Office.

8. 7:15 p.m. Arlmont Street (west of Highland Avenue)

a) Request: Repair to Private Way

b) Betterment Order

Kim Cayer, Resident

Mrs. Mahon moved approval. SO VOTED (5-0)

APPOINTMENTS

9. Arlington Preservation Fund, Arlington Historical Society Designee

Robert Fredieu (term to expire 6/30/17)

Mrs. Mahon moved approval. SO VOTED (5-0)

LICENSES & PERMITS

10. Request: Alteration of Premise-All Alcohol License

Scutra, 92 Summer Street, Cesidia Baugniet

The owners of Scutra requested approval to construct a patio with seating in the rear of the restaurant next to the Minuteman Bikeway.

Mr. Greeley moved approval subject to all conditions as set forth. SO VOTED (5-0)

11. Approval: Sidewalk Cafe Permit
Duet, 190 Massachusetts Avenue, Wayne Duprey

Mr. Greeley moved approval subject to all conditions as set forth. SO VOTED (5-0)
Mr. Byrne amended motion made by Mr. Greeley pending the neighbors' approval if it's going to be in front of their property. Mr. Byrne is concerned about setting a precedent where moving forward it would allow for outdoor seating to go in front of another neighbors' building, at least without their being aware and agreeable to it. He feels it would be a good neighborly thing to do to let them know and get their approval. SO VOTED (5-0)

CITIZENS OPEN FORUM -SIGN IN PRIOR TO BEGINNING OF OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

No matters were presented for consideration of the Board.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

12. Request: Oktoberfest at the Old Schwamb Mill, October 14, 2017
Edward Gordon, Museum Administrator, Old Schwamb Mill
Lynette Bennett, Communications Assistant
a) Special (One Day) Beer & Wine License

The Board voted a One-Day Permit with the conditions there are 2 Police Details and beer consumption must be contained to the tent.

b) Mill Lane (between Lowell Street and bridge over Mill Brook) - Street Closing
The Board voted to close Mill Lane from 12/Noon to 4:00 p.m. (between Lowell Street and the bridge over Mill Brook).
Oktoberfest at the Old Schwamb Mill will be held to celebrate the Arlington Heights community, the Mill Brook Valley and Schwamb family history. The family friendly event will feature authentic Bavarian refreshments (pretzels, bratwurst & beer), music and hands on activities for kids of all ages.

Mr. Byrne moved approval subject to all conditions as set forth. SO VOTED (5-0)

13. Presentation: Green Infrastructure Retrofit - Intersection of Egerton and Herbert
Wayne Chouinard, Town Engineer

The proposed green infrastructure retrofit on Egerton Road will divert runoff into two curb extensions on either side of the street, each containing a sediment forebay and bioretention

basin. These bioretention basins will beautify the streetscape, decrease crossing distance for pedestrians, and reduce the discharge of pollutants into Alewife Brook.

Mrs. Mahon moved approval.

SO VOTED (5-0)

14. Reimagining Our Libraries

Andrea Nicolay, Library Director

Ms. Nicolay stated that a "Reimagining Our Libraries" meeting was held on June 13th at the Fox Library. This coming Wednesday, June 21st at 7:00 p.m. at the Robbins Library Community Room is another meeting open to the public. Ms. Nicolay reported that they have hired an architect to address space challenges at both libraries and they want residents to share dreams of what could be. Light refreshments will be served.

The Board thanked Director Nicolay for all the hard work that she does all year long.

Mrs. Mahon moved receipt of report.

SO VOTED (5-0)

15. Report: Economic Development Matters

1) Request for Approval: Vacant Storefront Registry Fee

The Board voted to institute a \$400 registration fee for landlords with vacant storefronts, one of the last steps needed to implement before the Town could put the initiative into effect. The Bylaw Amendment, passed at the STM Meeting in October 2016 established a "vacant commercial property registry" that owners of vacant storefronts will have to pay once their property becomes vacant. Along with registration, the property owner must also state their efforts to fill the vacancy. Violation of the bylaw will result in a \$100 fine per day. Ms. Carter stated it is not intended to place an undue financial burden on landlords trying to lease their spaces, but are having trouble finding suitable qualified tenants. The Town will waive the \$400 registration fee if a property owner agrees to allow public art to be displayed in the storefront while it is vacant.

2) Update on Economic Development Activities

Ali Carter, Economic Development Coordinator

Ms. Carter stated the five-year average of vacancy rates in Town is 1.6 percent. Currently, she stated the vacancy rate is 1.2 percent, a number that surprised selectmen considering the amount of frustration over vacant storefronts. Ms. Carter said a majority of the vacant retail storefronts are still from one property owner.

Mrs. Mahon moved receipt of report.

SO VOTED (5-0)

16. Discussion: Board Appointee to Investment Policy Working Group

Joseph Curro, Chair

Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved that Mr. Dunn be the Board's appointee to the Investment Policy Working Group.

SO VOTED (5-0)

17. Discussion: Board Appointee to Scholarship Program Working Group

Joseph Curro, Chair

Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved that Mr. Greeley be appointed as the Board's appointee to the Scholarship Program Working Group.

SO VOTED (5-0)

18. Request for Approval: Community Choice Aggregation Buck Slip Insertion into Quarterly Tax Bills

Adam W. Chapdelaine, Town Manager

As part of the Community Choice Aggregation outreach campaign, Mr. Chapdelaine would like to include a Buck Slip in the upcoming quarterly tax bill. Per M.G.L. Ch. 60 §3A the Board of Selectmen needs to approve the inclusion of such materials in the tax bill.

Mr. Greeley moved approval.

SO VOTED (5-0)

19. Request for Approval: Pay & Display Configuration at Library Lot Meter

Adam W. Chapdelaine, Town Manager

Town Manager Chapdelaine requested that the Board authorize the parking meter in the Robbins Library Lot be configured as Pay & Display. The Board had previously accepted the recommendation of the Parking Implementation and Governance Committee to configure the meter as Pay by Space, but through the winter we learned that painting the space numbers on the ground proved problematic with snow, ice and salt. Mr. Chapdelaine also has verified that we don't have the space to put sign poles in along the Library while still maintaining an ADA accessible path.

Mrs. Mahon moved approval.

SO VOTED (5-0)

20. Request for Approval: Refer Gibbs School Traffic Analysis to TAC

Adam W. Chapdelaine, Town Manager

Town Manager Chapdelaine stated that one of the items stemming from the decision to repurpose the Gibbs School as a Town-wide sixth (6th) grade, was the need to study traffic impacts of both routes to school and circulation immediately around the school. Based on this, Mr. Chapdelaine is requesting that the Board refer the following scope to review to TAC.

"Study, analyze, and make recommendations regarding traffic and transportation matters regarding the Gibbs School. This study will examine both trip generation to the school once open and its impact on major intersections in the center of Town as well as drop-off, pick-up and general circulation around the school facility. This study will also include a review of safe walking routes to school for the Gibbs School."

Mr. Byrne moved approval to forward to TAC.

SO VOTED (5-0)

21. For Approval: Amendment to Traffic Rules & Orders

a) Kelwyn Manor: Princeton Road and Alfred Road Traffic

Adam W. Chapdelaine, Town Manager

The Board approved the following amendments to Traffic Rules & Orders:

1. Article VII, Section 8A: (Operation of Vehicles) be amended by adding the following restriction under Travel Prohibited:

The operator of any vehicle or other conveyance shall not enter Princeton Road Northbound beyond the intersection of Spy Pond Lane from 4:00 p.m. to 7:00 p.m., Saturday, Sunday and Holidays excluded.

This request is in response to a review of the area by a working group formed by the Town Manager. The goal is to help alleviate the problem of several hundred cars during this time

frame cutting through Kelwyn Manor and subsequently traversing Alfred Road in order to bypass rush-hour traffic on Lake Street.

Mr. Greeley moved approval.

SO VOTED (5-0)

22. Town Manager's Evaluation

Joseph A. Curro, Jr., Chair

Mr. Curro stated that he was extremely pleased with the work done by Director of Human Resources Caryn Malloy in preparing the Town Manager's Performance Review. He also thanked the Board for their input into the Manager's evaluation.

CORRESPONDENCE RECEIVED

Request Enforcement of 25mph Speed Limit on Ridge Street

Drs. Nazila & Matthew Miller, 80 College Avenue

The Board voted to refer to the Police Chief for review and recommendation.

SO VOTED (5-0)

Request Traffic Speed Slowing Solution on Washington Street

Jeremy Keller, 600 Summer Street

The Board voted to refer this request to Assistant Town Manager Feeney for review and recommendation.

SO VOTED (5-0)

Mrs. Mahon moved receipt of Correspondence Received.

SO VOTED (5-0)

NEW BUSINESS

Mr. Heim reported that he is continuing to vigorously pursue rights in the Mugar Development. He will be filing a complaint in Superior Court so that the Town gets access to Departmental Health DHCD Records that he believes we need to best prosecute the case..

Mrs. Mahon acknowledged Mr. Chapdelaine for his efforts before the MMA for its recently filed housing bond bill that discusses ways that municipalities are actively addressing their housing needs.

Mrs. Mahon reported that she read in the Beacon that a bill (H.1780) was filed to give municipalities access to their community's utility information and any plans for the removal, replacement or installation of utility poles and wires. Mrs. Mahon asked that the Town Manager look into this new bill.

Mr. Dunn stated that he and Mr. Curro attended the ground breaking ceremonies on Wednesday, June 14, 2017 at Minutemen High School. Mr. Curro stated that Supt. Bouquillon thanked Mr. Dunn for all his efforts and hard work in the Minuteman rebuild.

Mr. Curro stated he attended the Feast of the East on Saturday morning and also attended the ribbon cutting of the new Magnolia Park at 10:00 a.m. He stated it was absolutely delightful to witness the children and adults enjoying the grand opening of the new park.

Mr. Curro mentioned that at the meeting for the informal session of the Community Choice Aggregation held at Town Hall about forty people attended.

Mr. Byrne stated he is happy to report that the Department of Energy Resources (DOER) Green Communities Division has approved an award of \$179,698 for projects proposed in the Town of Arlington's Green Communities Competitive Grant application.

Mrs. Mahon moved to adjourn at 10:30 p.m.

SO VOTED (5-0)

A true record attest:

Marie A. Krepelka
Board Administrator

Next Scheduled Meeting of BoS July 24, 2017.

6-19-17

Agenda Item	Documents Used
1	Minutes of Meetings: June 5, 2017
2	Reappointment: Minuteman School Committee, Arlington Representative Susan Sheffler (ter, July 1, 2017-June 30, 2020)
3	For Approval: Arlington International Film Festival Banners April L. Ranick, Executive Director, AIFF
4	Special One Day Alcohol License Application Packet / 20 Westminister Ave. 6/24/17
5	Appt. of New Election Worker (1) Eileen Davie, 134 Lake Street
6	National Grid Petition/Wright Street (Public Way)
7	Alcohol Compliance Hearing Restaurants: (a) Duet, 190 & 192 Mass. Avenue, (b) Zhu's Garden, 168 Mass. Ave. Package Store: (a) Alexander Liquors, 94B Summer Street Douglas W. Heim, Town Counsel
8	Arlmont Street (west of Highland Avenue) a. Request: Repair to Private Way b. Better Order Kim Cayer, Resident
9	Arlington Preservation Fund Request to Appoint R. Fredieu (term to expire (6/30/17)
10	Alteration of Premise- All Alcohol License - Scutra, 92 Summer Street Cesidia Baugniet
11	Sidewalk Café Permit – Duet, 190 Massachusetts Avenue, Wayne Duprey
12	Special One Day Alcohol License Application Packet / Oktoberfest @ Old Schwamb Mill,

	October 14, 2017
13	Presentation: Green Infrastructure Retrofit -Intersection of Egerton and Hebert Roads Wayne Chouinard, Town Engineer
14	Reimaging our Libraries - Andrea Nicolay, Ibrary Director
15	Re[port - Economic Development Matters Ali Carter, Economic Development Coordinator
16	Request from Treasurer / Board Appointee to Investment Policy Working Group
17	Request from Treasurer – Board Appointee to Scholarship Program Working Group
18	Approval: Community Choice Aggregation Buck Slip Insertion into Quarterly Tax Bills Adam Chapdelaine, Town Manager
19	Approval: Pay and Display Configuration at Library Lot Meter Adam Chapdelaine, Town Manager
20	Approval: – Gibbs School Traffic Analysis to TAC Adam Chapdelaine, Town Manager
21	Report and Request Amendment to Traffic Rules & Orders – Princeton and Alfred Road Adam Chapdelaine, Town Manager
22	Town Manager's Evaluation, Joseph A. Curro, Jr. Chair
Corr. Rec'vd	Enforcement of 25mph Speed Limit on Ridge Street, Drs. Nazila & Matthew Miller, 60 College Avenue Traffic Speed Slowing Solution on Washington Street, Jeremy Keller, 600 Summer Street



Town of Arlington, Massachusetts

Request: Special (One Day) Beer & Wine License, 8/5/17 @ Whittemore Robbins House for a Private Event

Summary:

Queior and Glicksman Wedding

ATTACHMENTS:

Type	File Name	Description
Reference Material	Glicksman_Queior_Wedding_Application.pdf	Special Beer and Wine Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Michael Glicksman

Address, phone & e-mail contact information: 7 Arizona Terrace #6 Arlington MA;
; glicksmanguerforwedding@gmail.com

Name & address of Organization for which license is sought: _____

Does this Organization hold nonprofit status under the IRS Code? ☐ Yes ☒ No

Name of Responsible Manager of Organization (if different from above):

Chris Nadeau

Address, phone & e-mail contact information: 87 Rossmore Rd. #3 Jamaica Plain, MA
413-658-8469; cinnadeau@gmail.com 02130

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? NO If so, please give date(s) of Special Licenses and/or applications and title of event(s). _____

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

one-time event

24-Hour contact number for Responsible Manager of Alcohol Event date: 413-658-8469

Title of Event: Michael Glicksman and Bethany Queior Wedding

Date/time of Event: August 5, 2017 / 5:30pm - 10pm

Location of Event: Whittemore Robbins House

Location/Event Coordinator: Victoria Rose

Method(s) of invitation/publicity for Event: mail

Number of people expected to attend: 150

Expected admission/ticket prices: N/A

Expected prices for food and beverages (alcoholic and non-alcoholic): N/A

Will persons under age 21 be on premises? yes infant - 18 yrs. of age

If "yes," please detail plan to prevent access of minors to alcoholic beverages. TIPS certified bartender will follow the rules of certification

Have you consulted with the Department of Police Services about your security plan for the Event?
yes

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Ratican Date 7-19-17
Off. Corey P. Ratican
Printed name/title

POLICE COMMENTS:

Need updated Security plan
Request at least one safety detail.

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

Wine + beer, water, soda,

What types of food and non-alcoholic beverages do you plan to serve at the Event? Water, Soda,
Tofu Pad Thai, Vegetable Pad Thai, Tofu and Veggie
Massaman Curry, Rama Garden, Jasmine White Rice,
Chicken Satay's, Beef Satay.

Who will be responsible for serving alcoholic beverages at the Event? Bartender
from Beverage Events.

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

eTIPS on Premise 3.0

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Cedric King 5/9/1964

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc) Kappys

Date of Delivery: August 5, 2017
Alcohol Serving Time (s): 5:30 - 9:30pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

opened will be put in trunk of clients car.
unopened will be picked up by Kappys

Date of Pick-Up: August 7, 2017

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) Tips certification + Liquor Liability

Insurance attached

Please submit this completed form and filing fee to the Board of Selectmen at least 21 days before your Event. Failure to provide complete information may delay the processing of your application.

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: _____

Printed name: Michael Glicksman

Printed title & Organization name: Glicksman / Queior Wedding Reception

Email: glicksmanqueiorwedding@gmail.com

Bethany Queior and Michael Glicksman
7 Arizona Terrace #6 Arlington, MA 02474
207-837-3403
glicksmanqueiorwedding@gmail.com

July 11, 2017

SECURITY PLAN for Wedding Reception on August 5, 2017 at the Whittemore Robbins House

The event is scheduled for Saturday, August 5 from 5:30pm-10:30pm at the Whittemore Robbins House.

The alcohol service will end 30 minutes before the end of the event.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 150 guests including guests under the age of 21. Ages range from infant to 18 years of age.

The menu includes: Tofu Pad Thai, Vegetable Pad Thai, Tofu and Vegetable Massaman Curry, Rama Garden Jasmine Rice, Chicken Satay and Beef Satay. Wedding Treats and Coffee Bar, Beer and Wine.

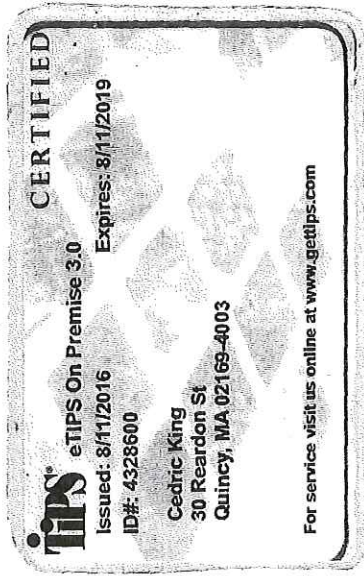
Thai Moon will provide the food and Beverage Events led by Mark Chudnow will provide the bartending service. The bartender is T.I.P.S certified. All rules regarding alcohol beverage service will be followed as understood from T.I.P.S Certification training by the bartender. Bar service will begin at 5:30pm and end at 10:00pm.

Victoria Rose, Event Coordinator, will be on site to monitor the use of the Whittemore Robbins House.

Chris Nadeau has been hired as the responsible manager for this event.

Cedric King (DOB 5/9/1964) will be the bartender. All will be responsible for ensuring that the event runs smoothly.

Please advise if there are other items that we need to consider.





CERTIFICATE OF LIABILITY INSURANCE

PHANTAS

OP ID: MA

DATE (MM/DD/YYYY)

07/07/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cohen-Miles Insurance Agcy Inc 375 Concord Ave, Ste 005 Belmont, MA 02478-3045 Matt Cohen		Phone: 617-489-1213 Fax: 617-489-0151	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):
INSURED Phantastic Thai Inc. Tammy Cusano 663 Mass Ave Arlington, MA 02476		INSURER(S) AFFORDING COVERAGE INSURER A: Norfolk & Dedham Group INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 23965	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		R1680062A	06/01/16	06/01/17	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
	PERSONAL & ADV INJURY \$ 2,000,000						
GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE \$ 4,000,000
<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC							PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY			R1680062A	06/01/16	06/01/17	Liquor Li \$ 1M/2M
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per accident) \$
PROPERTY DAMAGE (Per accident) \$							
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> OCCUR						
	<input type="checkbox"/> CLAIMS-MADE						
DED RETENTION \$							
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A	WE161792A	06/01/16	06/01/17	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Town of Arlington is an additional insured.

CERTIFICATE HOLDER**CANCELLATION**Whittemore Robbins House
Arlington, MA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Matt Cohen

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/30/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER M.P. Roberts Insurance Agency 1060 Osgood Street North Andover, MA 01845	CONTACT NAME: Amy Roberts	
	PHONE (A/C No. Ext): (978) 683-8073	FAX (A/C No.): (978) 683-3147
INSURED BEVERAGE EVENTS INC. P.O. BOX 600126 NEWTONVILLE, MA 02460	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: NATIONAL UNION FIRE	
	INSURER B: QUINCY MUTUAL INS CO	
	INSURER C: NATIONAL UNION FIRE	
	INSURER D: ATLANTIC CHARTER INS CO	
INSURER E: NATIONAL UNION FIRE		
INSURER F: GENERAL STAR INDEMNITY		
NAIC #		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> PRIMARY & <input type="checkbox"/> NON-CONTRIBUTORY GEN'L AGGREGATE LIMIT APPLIES PER <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-ECT <input type="checkbox"/> LOC	Y		NP037052345-02	1/18/17	1/18/18	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y		AFV206867	2/12/17	2/12/18	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0	Y		6-UD-016698954-0	1/18/17	1/18/18	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCV01349600	1/19/17	1/19/18	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	PROFESSIONAL LIABILITY			NP037052345-02	1/18/17	1/18/18	\$1,000,000 2,000,000
F	LIQUOR LIABILITY	Y		IMA840798	1/18/17	1/18/18	\$1,000,000 1,000,000
E	EMPLOYEE BENEFITS			NP037052345-02	1/18/17	1/18/18	\$1,000,000 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

EVENT DATE: 8-5-17

TIME: 4-10PM

GUESTS 150

WHITTEMORE ROBBINS HOUSE

670R MASSACHUSETTS AVE

ARLINGTON, MA 02476

TOWN OF ARLINGTON IS AN ADDITIONAL INSURED

CERTIFICATE HOLDER TOWN OF ARLINGTON 51 GROVE STREET ARLINGTON, MA 02476	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE MICHAEL P ROBERTS
--	---

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ACORD 25 (2010/05)

Phone:

The ACORD name and logo are registered marks of ACORD

Fax:

E-Mail:



Town of Arlington, Massachusetts

Request: Special (One Day) Beer & Wine License, 8/6/17 @ Whittemore Robbins House for the Cyrus Dallin Art Museum's Summer Soiree Fundraiser

Summary:

Geri Tremblay, Cyrus Dallin Board of Trustees

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Cyrus_Dallin_Application.pdf	Special Beer and Wine Application

611 Massachusetts Ave. | Arlington, MA 02474 | dallin.org |
781.641.0747

July 6, 2016



Marie Krepelka
Arlington Board of Selectmen
Arlington Town Hall
730 Massachusetts Ave.
Arlington, MA 02476

Dear Marie:

I would like to submit a request to the Arlington Board of Selectmen for a one-day liquor license for the Cyrus Dallin Art Museum's Summer Soiree fundraiser on Sunday, August 6, 2017. This event will take place from 5:00 – 8:30 pm at the Whittemore Robbins House and will feature live music, gourmet hors d'oeuvres, a cash bar, and a silent auction.

Thank you for your assistance with this matter. You and the Selectmen will be receiving invitations to the Summer Soiree shortly.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Heather Leavell'. The script is fluid and cursive.

Heather Leavell
Director/Curator

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant: Paul McGaffigan

Address, phone & e-mail contact information: 34 Silk St. Arlington MA 02474
781-648-7036 / paulmack34@hotmail.com

Name & address of Organization for which license is sought: Cyrus E. Dallin Museum, Inc.
611 Massachusetts Ave. Arlington, MA 02474

Does this Organization hold nonprofit status under the IRS Code? ☒ Yes ☐ No

Name of Responsible Manager of Organization (if different from above):
Laura Lewis (DOB 4/21/70)

Address, phone & e-mail contact information: 245 Walnut St. Reading MA 01867
781-325-3290, esseycatering@gmail.com

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? NO If so, please give date(s) of Special Licenses and/or applications and title of event(s). _____

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?
Annual August 7, 2016

24-Hour contact number for Responsible Manager of Alcohol Event date: 781-325-3290

Title of Event: Summer Soiree

Date/time of Event: August 6, 2017 / 5pm - 8:30pm

Location of Event: Whittemore Robbins House

Location/Event Coordinator: Victoria Rose

Method(s) of invitation/publicity for Event: online and invitations

Number of people expected to attend: 100 - 130
Expected admission/ticket prices: \$60 per person / \$75 at the door
Expected prices for food and beverages (alcoholic and non-alcoholic): prepaid \$5 beer (glass)
and \$6 for wine (glass) \$1 for soda and water
Will persons under age 21 be on premises? yes (1) staff member's granddaughter
If "yes," please detail plan to prevent access of minors to alcoholic beverages. bartender will follow TIPS certification procedures.
Have you consulted with the Department of Police Services about your security plan for the Event?
yes

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Ratan

Date 7-19-17

Off. Corey P. Ratan
Printed name/title

POLICE COMMENTS:

Need updated Security Plan.

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

beer, wine, soda, water

What types of food and non-alcoholic beverages do you plan to serve at the Event? see

attached menu from Essex Catering.

Who will be responsible for serving alcoholic beverages at the Event? Joseph Barry

and Linley Heath from Essex Catering.

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

Linley Heath - TIPS on premise

Joseph Barry - ServSafe Alcohol Certification

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

Linley Heath - 7/29/87
Joseph Barry - 10/30/93

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc) Atlas Liquors

Date of Delivery: 8/5/17
Alcohol Serving Time (s): 5pm - 8pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

opened would be by client and
unopened returned to Atlas

Date of Pick-Up: 8/7/17

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.) tips certification & general and
liquor liability

Please submit this completed form and filing fee to the Board of Selectmen at least 21 days before your Event. Failure to provide complete information may delay the processing of your application.

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: _____

Printed name: Paul McGaffigan

Printed title & Organization name: Summer Soirée Cyrus E. Dallin Art Museum

Email: paulmack34@hotmail.com

Dallin Museum
Summer Soiree

Passed hors d'oeuvres
(choose 5)

Classic gougere
Crepe with farmer's cheese and basil marinated local blueberries
Salmon tartare with green apple and celery on taro chip
Escargot with garlic, butter and parsley on country baguette
Croque monsieur
Chilled vichyssoise
Zucchini and feta cake with red onion slaw

Stations

Artisan cheeses and house made jams accompanied by rustic breads and crackers

Bistro style steak frites with garlic aioli
Summer's finest local vegetable ratatouille

Paul McGaffigan
Cyrus E. Dallin Art Museum Inc.
611 Massachusetts Ave. Arlington, MA 02474
paulmack34@hotmail.com

July 11, 2017

SECURITY PLAN for Summer Soiree hosted by the Cyrus E. Dallin Art Museum on August 6, 2017 at the Whittemore Robbins House

The event is scheduled for Sunday, August 6 from 5:00pm-8:30pm at the Whittemore Robbins House. The alcohol service will end 30 minutes before the end of the event.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 100-130 guests over the age of 21.

One helper associated with the Museum is under 21.

The menu includes: Crepe with Farmer's Cheese and Basil Marinated Local Blueberries, Salmon Tartare with Green Apple and Celery on Taro Chip, Escargot with garlic, butter and parsley on country baguette, Croque Monsieur, Chilled Vichyssoise, Zucchini and feta cake with red onion slaw, Bistro Style Steak Frites and Vegetable Ratatouille. Beer, Wine, Water, Soda

Essex Catering will provide the food and the bartending service. The bartenders are T.I.P.S and ServSafe Alcohol certified. All rules regarding alcohol beverage service will be followed as understood from Certification training by the bartender. Bar service will begin at 5:00pm and end at 8:00pm.

Victoria Rose, Event Coordinator, will be on site to monitor the use of the Whittemore Robbins House.

Laura Lewis from Essex Catering will be the responsible manager for this event.

Linley Heath and Joseph Barry will be the bartenders. All will be responsible for ensuring that the event runs smoothly.

Please advise if there are other items that we need to consider.

Congratulations!

You have successfully completed the ServSafe Alcohol® Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

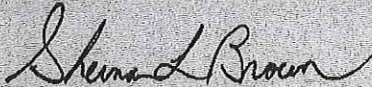
Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at ServSafe.com.

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

Sincerely,



Sherman Brown

Senior Vice President, National Restaurant Association Solutions



ID # 11350504
CARD # 12386149

ServSafe Alcohol® CERTIFICATE

JOSEPH BARRY

NAME

5/27/2015

DATE OF EXAMINATION

Card expires three years from the date of examination. Local laws apply.

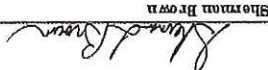


NOTE: You can access your score and certification information anytime at ServSafe.com with the class number provided on this form.

If you have any questions regarding your certification please contact the National Restaurant Association Service Center at ServiceCenter@restaurant.org or 800.765.2122, ext. 6703.

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Sherman Brown, Senior Vice President, National Restaurant Association Solutions



This certificate confirms completion of the ServSafe Alcohol® responsible alcohol service program.

In Alaska you must laminate your card for it to be valid.



175 West Jackson Boulevard
Suite 1700
Chicago, IL 60604-2814
1-800-SERVSAFE
312.773.1110 or the Chicago area
ServSafe.com

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Mail

More

COMPOSE

Subject: Fwd: Linley tips
To: vrose@town.arlington.ma.us

Inbox (2,561)

Starred

Important

Sent Mail

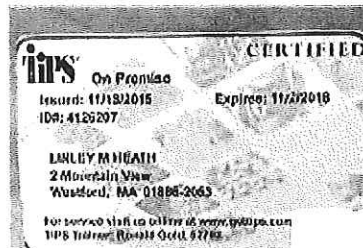
Drafts (11)

V Vicki

+

----- Forwarded message -----
From: [laura lewis <essex7211@gmail.com>](mailto:laura.lewis@essex7211@gmail.com)
Date: Wed, Jul 12, 2017 at 10:56 AM
Subject: Linley tips
To: essexcatering@gmail.com

Linley Heaths d.o.b is 7/29/87



Click here to [Reply](#) or [Forward](#)



ESSEXCA

OP ID: MA

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/12/17

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cohen-Miles Insurance Agcy Inc 375 Concord Ave, Ste 005 Belmont, MA 02478-3045 Matt Cohen	Phone: 617-489-1213	CONTACT NAME:
	Fax: 617-489-0151	PHONE (A/C, No, Ext):
		FAX (A/C, No):
		E-MAIL ADDRESS:
		INSURER(S) AFFORDING COVERAGE
		INSURER A: Hartford
		INSURER B:
		INSURER C:
		INSURER D:
		INSURER E:
		INSURER F:

INSURED
Essex Catering LLC
25 Lafayette Street
Wakefield, MA 01880

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		08 SBA NW1763	07/31/16	07/31/17	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							Liq Liab \$ 1,000,000
							GEN'L AGGREGATE LIMIT APPLIES PER:
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY			08 SBA NW1763	07/31/17	07/31/18	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

catering. Town of Arlington is an additional insured.

CERTIFICATE HOLDER**CANCELLATION**

Town of Arlington
Arlington, MA

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Matt Cohen

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Town of Arlington, Massachusetts

Reappointments: Arlington Preservation Fund (terms to expire 8/31/2020)

Summary:

Clark Griffith

Patrick Guthrie

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Griffith_Reappointment.pdf	Griffith Reference
▢	Reference Material	Guthrie_Reappointment.pdf	Guthrie Reference

-----Original Message-----

From: <cgreeley@bowesre.com>

To: "Fran Reidy" <FReidy@town.arlington.ma.us>, "Marie Krepelka" <MKrepelka@town.arlington.ma.us>

Cc: "Patrick Guthrie" <pbgu3@yahoo.com>, "Clark Griffith" <cgriffith@ccaco.com>

Date: Fri, 16 Jun 2017 04:39:34 -0700

Subject: APF: Clark Griffith Term Renewed

Good Morning:

Patrick Guthrie, the current President of the Arlington Preservation Fund asked me to request that the Board of Selectmen renew the appointment of Clark Griffith for another term to the Arlington Preservation Fund. Could you please put this request on the next possible agenda. Thanks very much!

Carol Greeley, APF Secretary

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
STEVEN M. BYRNE, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

June 27, 2017

Clark Griffith
5 Woodland Road
Lexington, MA 02420

Re: Reappointment - Arlington Preservation Fund

Dear Mr. Griffith:

Please be advised that the Board of Selectmen will be discussing your reappointment to the above-named at their meeting to be held on Monday, July 24th at 7:15 p.m. in the Selectmen's Chambers, Town Hall, 2nd Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Marie A. Krepelka
Board Administrator

MAK:fr

From: <cgreeley@bowesre.com>
To: "Fran Reidy" <FReidy@town.arlington.ma.us>, "Marie Krepelka" <MKrepelka@town.arlington.ma.us>
Cc: "Patrick Guthrie" <pbgu3@yahoo.com>, "Al Stevens" <al@alstevens.org>
Date: 06/26/2017 01:08 PM
Subject: RE: APF: Clark Griffith Term Renewed

Hi Fran:

Please request that the Board of Selectmen renew the appointment of Patrick Guthrie to the Arlington Preservation Fund. Albert Stevens has left and Robert Fredieu is the Arlington Historical Society appointee in his place. Thanks very much!

Carol Greeley, APF Secretary

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
STEVEN M. BYRNE, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

June 27, 2017

Patrick Guthrie
53 Hill Road #708
Belmont, MA 02478

Re: Reappointment - Arlington Preservation Fund

Dear Mr. Guthrie:

Please be advised that the Board of Selectmen will be discussing your reappointment to the above-named at their meeting to be held on Monday, July 24th at 7:15 p.m. in the Selectmen's Chambers, Town Hall, 2nd Floor. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

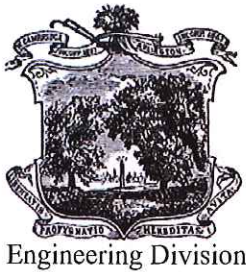
Request: Contractor/Drainlayer License

Summary:

Cavalieri Construction Company, Inc., Everett, MA

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Cavalieri_Construction_Company__.pdf	Application, Meeting Notice



TOWN OF ARLINGTON
Department of Public Works
51 Grove Street
Arlington, Massachusetts 02476
Office (781) 316-3320 Fax (781) 316-3281

MEMORANDUM

To: Board of Selectmen
From: Engineering Division
Re: Approved Contractor License
Date: July 7, 2017

Dear Board Members,

Reference is hereby made to an application by James Cavalieri III of Cavalieri Construction Company Inc., to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Cavalieri Construction Company Inc.
16 Robin Street
Everett, MA 02149
Phone: 617-389-5225
Email: richie@cavaliericonstruction.com

Upon review of the provided references supplied by the contractor, we recommend approval and issuance of an Approved Contractor and Drainlayer license.

A handwritten signature in black ink, reading "J. Szafarowicz". The signature is written over a horizontal line.

Joseph Szafarowicz
Civil Engineer, Arlington Engineering Division

CC: File



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

☐ Water ☒ Sanitary Sewer ☒ Stormwater Drainage ☐ Sewer/Drain Inspection ☐ Driveway Work ☐ Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: Cavalieri Construction Company Inc.

Select One: ☒ Corporation ☐ Partnership ☐ Proprietorship ☐ Other: _____

Street Address: 16 Robin St City/Town: Everett State: MA 02149

Primary Phone: (617) 389-5225 E-mail: richie@cavaliericonstruction.com

Length of Time in Business under the same Firm Name: 38 years

Full Name(s) of Principal(s): JAMES CAVALIERI JR + LINDA CAVALIERI

Primary Contact Person: JAMES CAVALIERI III

Experience/Previous Work

Nature of Typical/Standard Work: site utility contractor

Have you ever performed this type of work in Arlington: ☐ Yes ☒ No

If Yes, Please provide Location: _____ Approximate Date: _____

Total Amount of such construction this year: \$5,000,000 (SO FAR)

Total Amount of such construction last year: \$8,398,697

Total Amount of such construction next previous year: \$8,549,381

Municipal References - Please Attach Written Reference Letters

Municipality: BOSTON WATER + SEWER COMMISSION

Primary Contact Name: FRANK McLAUGHLIN Email: mclaughlinf@bwsc.org

Municipality: CITY OF BOSTON DPW + BTD

Primary Contact Name: ANN McNEIL (DPW) Email: (617) 635-4909

Municipality: CITY OF CAMBRIDGE DPW ED HESTFORD (BTD) Email: edward.hestford@cityofboston.gov

Primary Contact Name: ROB LINKE Email: rlinke@cambridge.ma.gov

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: SANTANDER - DAN MBOZ Phone: 781-491-7668

Federal Tax ID or Social Security #: _____

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature: [Signature] Date: 7/6/17

Reset Form

Print Form

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
STEVEN M. BYRNE, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 10, 2017

James Cavalieri III
Cavalieri Construction Company Inc.
16 Robin Street
Everett, MA 02149

Dear Mr. Cavalieri:

The Board of Selectmen will be discussing your request for a License to do Drainlaying in the Town of Arlington on Monday, July 24th in the Selectmen's Chambers, Town Hall, 2nd Floor. The meeting begins at 7:15 p.m. Although it is not a requirement that you attend the meeting, you are invited to be in attendance.

Very truly yours,
BOARD OF SELECTMEN

A handwritten signature in cursive script that reads "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:fr



Town of Arlington, Massachusetts

Appointment of New Election Workers: (1) Fernando Cuervo-Torello, 40 Columbia Road, D, Pct. 19; (2) Nicolas Cuervo-Torello, 40 Columbia Road, D, Pct. 19; (3) Julia Devlin, 354 Mystic Street, U, Pct. 13; (4) Patricia Kenna, 60 Hathaway Circle, U, Pct. 18; (5) Karen Lambrych, 53 School Street, D, Pct. 21; (6) Nora Maher, 64 Maynard Street, D, Pct. 21; (7) Mary Torpey, 975 Massachusetts Avenue, U, Pct. 13; (8) Anne Whitney, 19 Washington Avenue, D, Pct. 19

Summary:

ATTACHMENTS:

Type	File Name	Description
Reference Material	Election_Workers_Master_Records.pdf	Election Workers Master Records

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

[illegible]

Vendor #	_____	Position	<u>Inspector</u>
Name:	<u>Fernando Cuervo-Torello</u>	Democrat	<u>✓</u>
Address:	<u>40 Columbia Road</u>	Republican	_____
	<u>Arlington, MA</u>	Unenrolled	_____
Zip Code	<u>02474</u>	Precinct	<u>19</u>
Alpha/ Last Name	_____	Phone #	_____

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

Check One: ✓ New Employee
 Change to Existing Employee

Vendor #		Position	Inspector
Name:	NICOLAS CUERVO-TORRELLA	Democrat	✓
Address:	40 COLUMBIA ROAD	Republican	
	ARLINGTON, MA	Unenrolled	
Zip Code	02474	Precinct	19
Alpha/ Last Name		Phone #	

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 6/26/17

Check One: ✓ New Employee
 _____ Change to Existing Employee

Vendor #		Position	INSPECTOR
Name:	JULIA DEVLIN	Democrat	
Address:	354 MYSTIC STREET	Republican	
		Unenrolled	✓
Zip Code	02474	Precinct	13
Alpha/ Last Name		Phone #	

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

Check One: ✓ New Employee
 Change to Existing Employee

Vendor #		Position	INSPECTOR
Name:	PATRICIA KENNA	Democrat	
Address:	60 HATHAWAY CIR	Republican	
		Unenrolled	✓
Zip Code	08476	Precinct	18
Alpha/ Last Name		Phone #	781-648-4142

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

Check One: ✓ New Employee
 Change to Existing Employee

Vendor #		Position	INSPECTOR
Name:	KAREN LAMBRECHT	Democrat	✓
Address:	53 SCHOOL ST.	Republican	
		Unenrolled	
Zip Code	02474	Precinct	81
Alpha/ Last Name		Phone #	

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/12/17

Check One: ✓ New Employee
 Change to Existing Employee

Vendor #	_____	Position	INSPECTOR
Name:	WORA MAHER	Democrat	✓
Address:	64 MAYNARD ST.	Republican	_____
	_____	Unenrolled	_____
Zip Code	02474	Precinct	_____
Alpha/ Last Name	_____	Phone #	_____

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

Check One: ✓ New Employee
 Change to Existing Employee

Vendor #		Position	INSPECTOR
Name:	MARY TORPEL	Democrat	
Address:	975 MASSACHUSETTS AVE.	Republican	
	#106	Unenrolled	✓
Zip Code	02476	Precinct	13
Alpha/ Last Name		Phone #	781-643-0486

Position Codes:

10 – Warden	60 – Deputy Clerk
20 – Deputy Warden	70 – Teller
30 – Inspector	80 – Substitute
40 – Deputy Inspector	90 – Custodian
50 – Clerk	

ELECTION WORKER'S MASTER RECORD

Date: 7/18/17

Check One: ✓ New Employee

Change to Existing Employee

Vendor #

Position Inspector

Name: Anne Whitney

Democrat ✓

Address: 19 Washington Ave

Republican

Arlington, MA

Unenrolled

Zip Code 02474

Precinct 19

Alpha/
Last Name

Phone # _____

Position Codes:

10 – Warden

20 – Deputy Warden

30 – Inspector

40 – Deputy Inspector

50 — Clerk

60 – Deputy Clerk

70 - Teller

80 — Substitute

90 – Custodian



Town of Arlington, Massachusetts

7:15 p.m. National Grid Petition/Wright Street (Public Way)

Summary:

Michael Gerling, Permit Representative
(all abutters notified)
(tabled from 6.19.17 meeting)

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Engineering_Recommendations.pdf	Engineering Recommendations
▢ Reference Material	National_Grid_Reference.pdf	National Grid Reference



Engineering Division

**TOWN OF ARLINGTON
DEPARTMENT OF PUBLIC WORKS**

51 GROVE STREET
ARLINGTON, MA 02476

Phone: 781-316-3320
Fax: 781-316-3281

Permit Type: Grant of Location
Date: Monday, June 5, 2017
Applicant: National Grid Gas Company
Site Location: Wright Street/Heard Rd.

The Engineering Division has reviewed the petition by National Grid for consideration of a Grant of Location for the installation of 122 LF +/- of 6" Plastic Gas Main as indicated on the provided Engineering Design Sketch (Plan GP-ARL-1150589-17-34).

Since the portion of Wright St. is a private way, we do not recommend issuing or denying a Grant of Location for this. However, we do recommend notifying the Applicant that the required Street Opening Permit Application, which will be required for this work, should include an agreement between the Applicant and the direct abutters to the work specifying the requirements for restoration of the road and work-site upon completion of the project.

We are also recommending the following items listed below to allow the Engineering Division to review the proposed gas main location and provide input to the contractor directly to prevent impacts to any Town-Owned infrastructure within the roadway limits:

1. The proposed gas main installation shall be located/installed in the roadway so as not to impede future roadway improvements (i.e. curb adjustment, guardrail installation, water, sewer or drainage rehabilitations etc.).
2. The proposed gas main location shall be pre-marked in the roadway prior to any construction activities. A site walk with the Town of Arlington Water & Sewer Division and/or Engineering Division be scheduled by National Grid to approve the proposed gas main location based on known utility locations prior to the commencement of work.
3. The construction of the gas main installation will require additional permitting (Trench Permit and/or Street Occupancy Permit) through the Town of Arlington Engineering Division prior to the start of construction.
4. Once work has been completed and the work area has endured a full season of winter conditions the applicant shall meet with the Engineering Division to inspect the condition of the trench and determine any remaining project or pavement restoration requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne A. Chouinard".

Wayne A. Chouinard, P.E.
Town Engineer

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02451
2017 MAY 24 PM 12:55

Town of Arlington / Board of Selectmen:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **Town of Arlington** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 122 feet, more or less of 6 inch gas main in Wright St., Arlington, from the existing 6 inch gas main in front house #81 southerly to the start of the private way near Heard Rd.

Date: May 24, 2017

By: Barbara H. Kelleher
Barbara H. Kelleher
Permit Representative

Town of Arlington / Board of Selectmen:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Arlington** substantially as described in the petition date May 24, 2017 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **Town of Arlington** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the Town of _____, MA on the _____ day of _____, 20____.

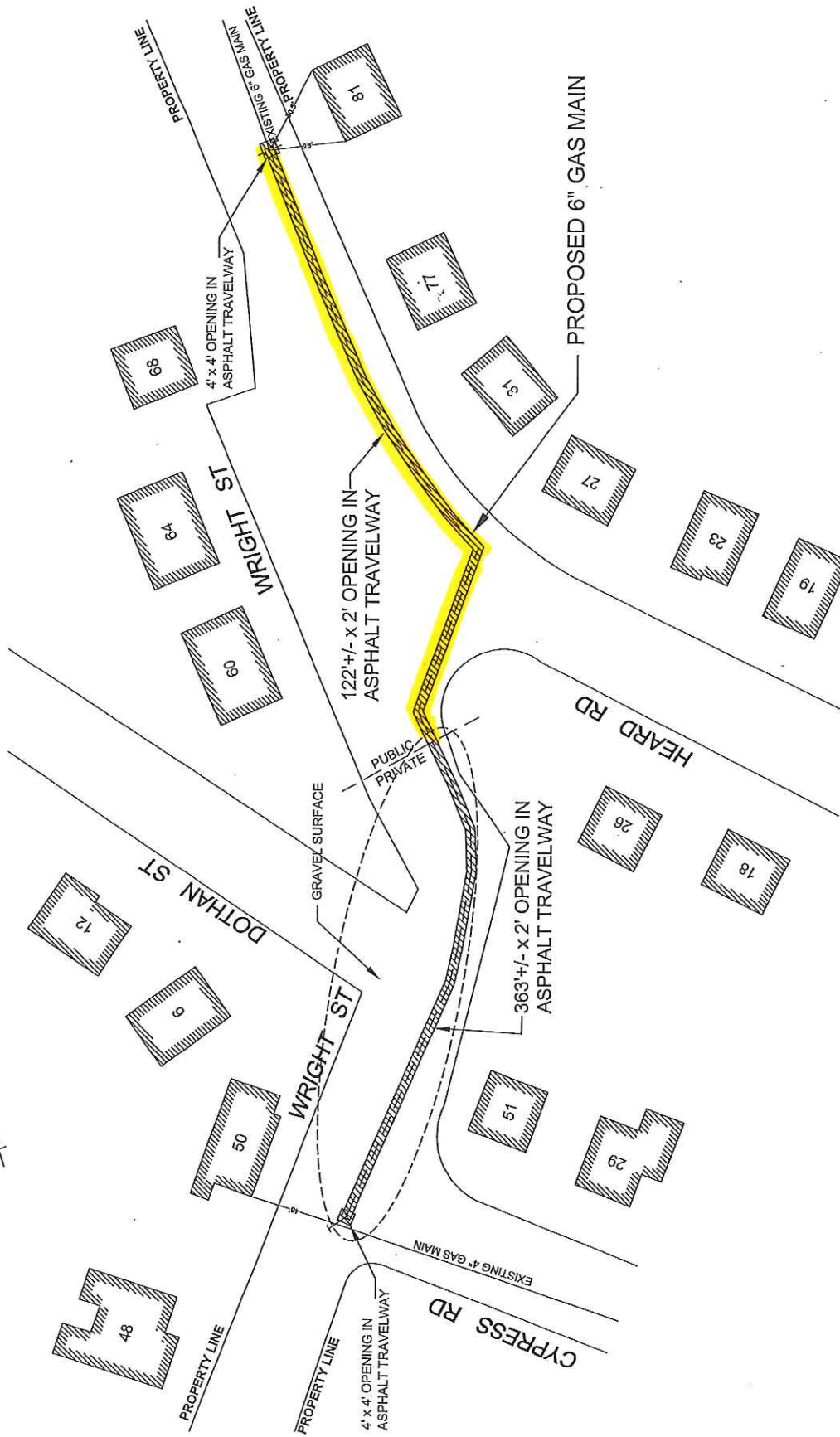
By: _____

Title

WO#1150589

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

24



SCALE: N.T.S. SHEET 1 OF 1		DRAWING NO. GP-ARL 1150589-17-34	
GRANT OF LOCATION PROPOSED OPENING TO INSTALL NEW 6" GAS MAIN WRIGHT ST, ARLINGTON, MA 02474			
DATE 2/20/2017	TIME 10:00 AM	MATERIAL PLASTIC	WORK ORDER NO. 1150589
nationalgrid 40 SYLVAN ROAD WALTHAM, MA 02451			
NO. _____ DESCRIPTION _____ DATE _____ REVISIONS _____		NOTE: THE LOCATION OF SURFACES AND UTILITIES SHOWN ON THIS PLAN ARE NOT WARRANTED TO BE CORRECT. CALL BEFORE YOU DIG 1-800-4-A-SAFE UTILITIES LOCATED BY FIELD SURVEY FROM AVAILABLE DATA SOURCES. NO FIELD VERIFICATION PERFORMED	
NEW GAS ELECTRIC GAS STORM DRAIN SANITARY SEWER WATER MAIN EDGE OF ROADWAY		MANHOLE & WELL PROHIBITION UTILITY POLE SHUT OFF VALVE ELECTRIC MANHOLE ELECTRIC MANHOLE STORM DRAIN MANHOLE SANITARY SEWER MANHOLE	

77 WRIGHT ST 16.0-1-9.C
SULLIVAN PETER J & BEVERLY
77 WRIGHT STREET
ARLINGTON, MA 02474

31 HEARD RD 16.0-1-10.A
DELIOS JEAN
31 HEARD RD
ARLINGTON, MA 02474

27 HEARD RD 16.0-1-11.A
FIRLA GAIL
27 HEARD RD
ARLINGTON, MA 02474

81 WRIGHT ST 16.0-1-25.A
FRALEY ANDREW & CARA
81 WRIGHT STREET
ARLINGTON, MA 02474

76 WRIGHT ST 16.0-5-7.0
TREMBLY-BJORNGJELD BETTY
76 WRIGHT ST
ARLINGTON, MA 02474

68 WRIGHT ST 16.0-5-9.0
MC CARTHY BARBARA A & PAUL
68 WRIGHT ST
ARLINGTON, MA 02474

64 WRIGHT ST 16.0-5-11.A
NAMCHUK MARK & GAYLE
64 WRIGHT ST
ARLINGTON, MA 02474

60 WRIGHT ST 16.0-5-12.A
WINSTEAD TERESA
KRIVCHENKO OLGA
60 WRIGHT STREET
ARLINGTON, MA 02474

26 HEARD RD 16.0-6-1.0
SENEST ALFRED J & NANCY A
26 HEARD RD
ARLINGTON, MA 02474

I hereby certify that this list
has been prepared in accordance with
Chapter 40A, Sec 11 of MGL.

Kenn C. Feeley
Board of Assessors
Robert E. Druey

5/25/2017
Date

NOTICE TO ABUTTERS


Town of Arlington

July 12, 2017

Dear Abutter:

You are hereby notified that a public hearing will be held at the Office of the Board of Selectmen, 2nd Floor, Town Hall, Arlington at **7:15 p.m.** on the **24th of July (tabled from the 6.19.17 meeting)** upon the Petition of **Nationalgrid** for gas main locations, dated **May 24, 2017**. The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and places of the **Town of Arlington** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 122 feet, more or less of 6 inch gas main in Wright Street, Arlington, from the existing 6 inch gas main in front of House #81 southerly to the start of the private way near Heard Road.



Marie A. Krepelka
Board Administrator



Town of Arlington, Massachusetts

7:15 p.m. Spring Road (3 Spring Rd. to 15 Spring Rd.)

Summary:

- a) Request: Repair to Private Way
 - b) Betterment Order
- Mark Felix, 11 Spring Road

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Spring_Road_Petition_.pdf	Petition from Abutters
▣ Reference Material	Spring_Rd._map.pdf	Spring Road map
▣ Reference Material	Engineering_Cost_Estimates.pdf	Engineering Cost Estimates
▣ Reference Material	Contractor_Proposal.pdf	Contractor Proposal
▣ Reference Material	Abutter_Project_Approval.pdf	Abutter Project Approval
▣ Reference Material	Abutter_Mailing_#1.pdf	Abutter Mailing #1
▣ Reference Material	Abutter_Mailing_#2.pdf	Abutter Mailing #2 ; Public Hearing Notice
▣ Reference Material	Betterment_Order.pdf	Betterment Order

2016 AUG -1 PM 11:41

TOWN OF ARLINGTON
REPAIR OF PRIVATE WAY PETITION FORM

Spring Rd. Arlington MA 02476

- X Drainage
- X Filling in of Potholes
- X Armor Coating
- X Grading of Dirt Roadways
- X Resurfacing

Phone No. (W) 617-234-5073 (H) 781-330-1134

Name	Address
Rama Abu Shmeis	7A Spring Road
Julia Grunewald	6 Spring Rd.
Dan Dahlberg	6 Spring Rd.
Mark Felix	11 Spring Rd.

2016 AUG -1 PM 11:41

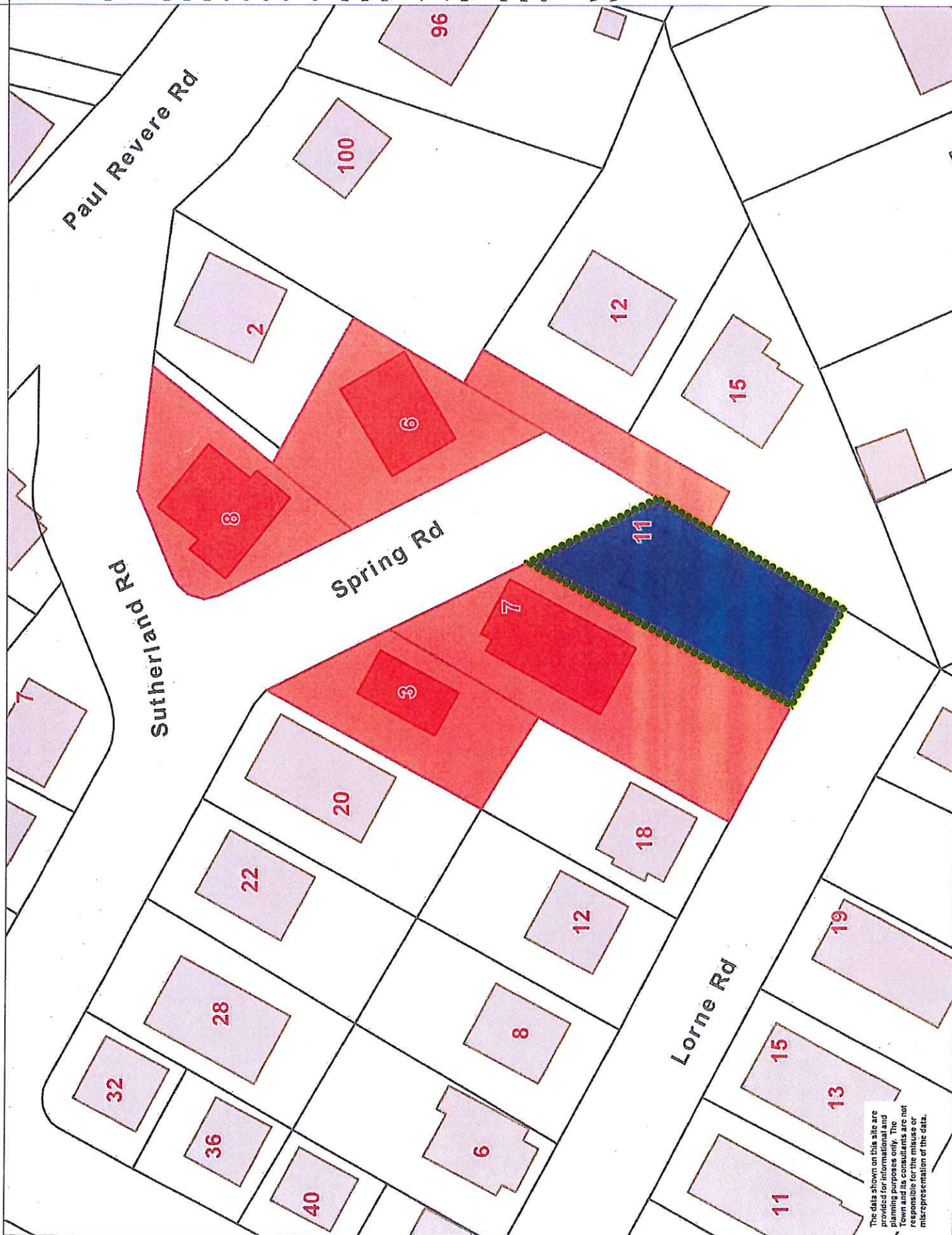
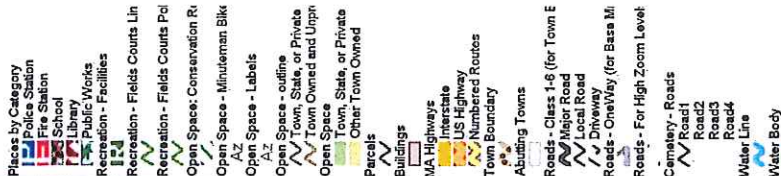
TOWN OF ARLINGTON
REPAIR OF PRIVATE WAY PETITION FORM

- X Drainage
- X Filling in of Potholes
- X Armor Coating
- X Grading of Dirt Roadways
- X Resurfacing

Name	Address
Shene Maghland (Shene Maghland)	12 Spring Rd. Arlington
PARITOSH KHOBARE	11 B SPRING RD, ARLINGTON MA
John Z.	7B Spring Rd

2016 AUG -1 PM11:45

Jason Young 13 Spring Rd
June 1997



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

On Fri, Sep 9, 2016 at 4:08 PM, Wayne Chouinard <WChouinard@town.arlington.ma.us> wrote:

Fran,

Attached are the costs estimates prepared for Spring Road betterment request.

I have included Mark on this email. If either one of you have any questions please contact Vinny or me.

Thank you,

Wayne

Wayne A. Chouinard, PE

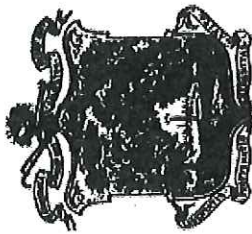
Town Engineer

Arlington Public Works

51 Grove Street

Office: (781) 316-3320

E-mail: wchouinard@town.arlington.ma.us



**DEPARTMENT OF PUBLIC WORKS
TOWN OF ARLINGTON**

51 Grove Street
Arlington, Massachusetts 02476
Telephone (781) 316-3320 Fax (781) 316-3281

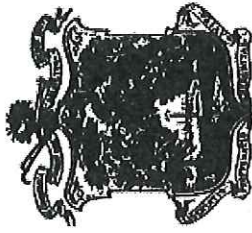
Engineering Division

SPRING ROAD - COSTRUCTION ESTIMATE
Pavement Reclamation
AUGUST 2016
(155 X 25) (76 X 22)

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
403	616	S.Y.	RECLAIM PAVEMENT FOR BASE COURSE @ 8"	\$ 7.70	\$ 4,743.20
170	616	S.Y.	FINE GRADING & COMPACTING	\$ 3.30	\$ 2,032.80
151	64	C.Y.	GRAVEL BORROW @ 4"	\$ 22.00	\$ 1,408.00
223	2	EA.	FRAME & COVER - REMOVE & RESET (STR. DRN.)	\$ 302.50	\$ 605.00
220.1.2	1	EA.	CATCH BASIN - ADJUSTED	\$ 330.00	\$ 330.00
358.2	1	EA.	GATE BOX ADJUSTED (WATER)	\$ 192.50	\$ 192.50
381.3	3	EA.	SERVICE BOX ADJUSTED (WATER)	\$ 110.00	\$ 330.00
381.3	2	EA.	GAS BOX ADJUSTED	\$ 110.00	\$ 220.00
420	85	TON	BITUMINOUS CONCRETE BASE COURSE CLASS 1 @ 2 1/2"	\$ 110.00	\$ 9,350.00
460	51	TON	BITUMINOUS CONCRETE PAVEMENT CLASS 1 @ 1 1/2"	\$ 90.00	\$ 4,590.00
470.2	60	L.F.	HOT MIX ASPHALT BERM, TYPE A-MODIFIED	\$ 8.80	\$ 528.00
					\$ 24,329.50

Note: These costs are approximate only and were determined using pre-determined item costs specified in the current Town Paving contract. Final costs should be determined from a proposal submitted by the selected contractor. Costs may vary due to unforeseen conditions, weather related events and fluctuating material costs.

Note: The Unit Price shown has been increased by 10% from the 2015 prices.



**DEPARTMENT OF PUBLIC WORKS
TOWN OF ARLINGTON**

51 Grove Street
Arlington, Massachusetts 02476
Telephone (781) 316-3320 Fax (781) 316-3281

Engineering Division

**SPRING ROAD - CONSTRUCTION ESTIMATE
Asphalt Pavement Removal
AUGUST 2016
(155 X 25) (76 X 22)**

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
120	64	C.Y.	ASPHALT EXCAVATION @ 4"	\$ 33.00	\$ 2,112.00
151	102	C.Y.	GRAVEL BORROW @ 6"	\$ 22.00	\$ 2,244.00
170	616	S.Y.	GRADING & COMPACTING	\$ 3.30	\$ 2,032.80
223	2	EA.	FRAME & COVER - REMOVE & RESET (STR. DRN.)	\$ 302.50	\$ 605.00
220.1.2	1	EA.	CATCH BASIN - ADJUSTED	\$ 330.00	\$ 330.00
358.2	1	EA.	GATE BOX ADJUSTED (WATER)	\$ 192.50	\$ 192.50
381.3	3	EA.	SERVICE BOX ADJUSTED (WATER)	\$ 110.00	\$ 330.00
381.3	2	EA.	GAS BOX ADJUSTED	\$ 110.00	\$ 220.00
420	86	TON	BITUMINOUS CONCRETE BASE COURSE CLASS 1 @ 2 1/2"	\$ 110.00	\$ 9,460.00
460	51	TON	BITUMINOUS CONCRETE PAVEMENT CLASS 1 @ 1 1/2"	\$ 90.00	\$ 4,590.00
470.2	60	L.F.	HOT MIX ASPHALT BERM, TYPE A-MODIFIED	\$ 8.80	\$ 528.00
					\$ 22,644.30

Note: These costs are approximate only and were determined using pre-determined item costs specified in the current Town Paving contract. Final costs should be determined from a proposal submitted by the selected contractor. Costs may vary due to unforeseen conditions, weather related events and/or material cost fluctuations.

Note: The Unit Price shown has been increased by 10% from the 2015 prices.

ACE PAVING LLC

"Making Life Smoother Since 1947"

189 Rockingham Rd, Derry NH 03038

Bonded & Insured ~ Free Estimates

1-800-893-6880 OR 1-603-432-9174

www.ace-paving.com OR www.acepavingnh.net

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02470

2017 APR 24 AM 11:56



- ☒ Gravel
- ☒ Grading
- ☐ Stone
- ☒ Base
- ☒ Top

- ☐ Overlay
- ☐ State Top
- ☐ Curbing
- ☐ Landscaping
- ☐ Drainage Repair

- ☐ Seal Coat
- ☐ Crack Filler
- ☐ Striping
- ☐ Patchwork

- ☒ Remove Asphalt
- ☐ Remove Loam
- ☒ Excavating
- ☐ Asphalt Milling

Description of Work: dig out road regrade new gravel compack then base w/2 1/2 inch. then top w/ 1 1/2 inch. 22x76 25x155 install new curb 60 lf.		Date: <u>4/20/17</u>
Customer Name: <u>mark</u>		Sq. Footage:
Address: <u>spring rd</u> <u>arlington height ,ma</u>		Total:
Phone #: Home <u>781-330-1134</u> Cell: _____		\$ <u>28,500.00</u>
Email Address: <u>mfeli117@gmail.com</u>		

Customer Signature: [Signature] Date: 4/24/17

Contractor Signature: _____ Date: _____

By signing the above contract, you the customer are agreeing to work to be performed at the above address, as outlined and explained by the contractor Ace Paving.

Ace Paving thanks you for your business.



Please "Like" us on Facebook at <http://www.facebook.com/pages/Ace-Paving-LLC/330445553670894>

ABUTTER ADDRESS	NAME	Y/N	LOT SIZE	PRICE	1/3 AMT	PAID	2/3 AMT	PAID AMT	PIF
8 Sutherland Rd.	Morgan/Flynn	N	1	\$4,750.00					
3 Spring Rd.	Sanford/Day		1	\$4,750.00					
6 Spring Rd.	Julia Grunewald	Y	1	\$4,750.00					
7A Spring Rd.	Rama Shmeis	Y	half	\$2,375.00					
7B Spring Rd.	Carmen/Gang Li	Y	half	\$2,375.00					
11A Spring Rd.	Mark Felix	Y	half	\$2,375.00					
11B Spring Rd.	Paritosh Khobare	Y	half	\$2,375.00					
12 Spring Rd.	Magliano	Y	half	\$2,375.00					
15 Spring Rd.	Jason Young	Y	half	\$2,375.00					
				\$28,500.00	0				0

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

May 4, 2017

Dear Resident:

The Arlington Board of Selectmen's Office is in receipt of a private way repair petition from two-thirds of the abutters of the private way known as Spring Road, from 3 Spring Road to 15 Spring Road. There will be a public hearing on this petition received in accordance with Arlington Town Bylaws, "Repairs to Private Ways" at a future date.

The total estimated cost of the work to be done is \$28,500.00. The estimated assessment, per lot, to the abutting property owners is \$4,750.00 per lot and \$2375.00 per half lot. If the Selectmen approve the project, one-third of the total estimated cost (\$1,583.33 per lot and \$791.67 per half lot) is required prior to the start of the project. The remaining balance will be due upon completion, or if you choose, it can be assessed on your tax bill for payment over a five year period with interest, in accordance with M.G.L. Chapter 80, the Betterment Act.

Should you have any questions regarding this, please do not hesitate to contact me. Enclosed, please find a copy of "Repairs to Private Ways" of the Town Bylaws, a response sheet, a contractor proposal and a self-addressed envelope.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Marie A. Krepelka
Board Administrator

MAK:fr

Enclosures

ACE PAVING LLC

"Making Life Smoother Since 1947"

189 Rockingham Rd. Derry NH 03088

Bonded & Insured ~ Free Estimates

1-800-893-6880 OR 1-603-432-9174

www.ace-paving.com OR www.acepavingnh.net

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02470

2017 APR 24 AM 11:56



- ☒ Gravel
- ☒ Grading
- ☐ Stone
- ☒ Base
- ☒ Top

- ☐ Overlay
- ☐ State Top
- ☐ Curbing
- ☐ Landscaping
- ☐ Drainage Repair

- ☐ Seal Coat
- ☐ Crack Filler
- ☐ Striping
- ☐ Patchwork

- ☒ Remove Asphalt
- ☐ Remove Loam
- ☒ Excavating
- ☐ Asphalt Milling

Description of Work: dig out road regrade new gravel compact then base w/ 2 1/2 inch. then top w/ 1 1/2 inch. 22x76 25x155 install new curb 60 lf.	Date: <u>4/20/17</u>
	Sq. Footage: _____
	Total: _____
	\$ <u>28,500.00</u>
Customer Name: <u>mark</u>	
Address: <u>spring rd</u> <u>arlington height ,ma</u>	
Phone #: Home <u>781-330-1134</u> Cell: _____	
Email Address: <u>mfeli117@gmail.com</u>	

Customer Signature: [Signature] Date: 4/24/17

Contractor Signature: _____ Date: _____

By signing the above contract, you the customer are agreeing to work to be preformed at the above address, as outlined and explained by the contractor Ace Paving.

Ace Paving thanks you for your business.



Please "Like" us on Facebook at <http://www.facebook.com/pages/Ace-Paving-L.L.C/330445553670894>

Lot No.

**KINDLY CHECK ONE OF THE TWO BLOCKS BELOW AND RETURN TO
THE OFFICE OF THE BOARD OF SELECTMEN IN THE ENCLOSED
ENVELOPE BY FRIDAY MAY 26, 2017.**

I am in favor of repairs to the private way known as Spring Road
(from 3 Spring Rd. to 15 Spring Rd.) at an estimated cost of (\$4,750.00 ☐
per lot and \$2,375.00 per half lot). Total estimated cost of the work to be done is
\$28,500.00, as stated in the proposal provided by Ace Paving LLC with the applicants'
submittal received at the Selectmen's Office on April 24, 2017.

I am opposed to repairs to the private way known as Spring Road (from
3 Spring Rd. to 15 Spring Rd). ☐

Signed _____

Date _____

Printed Name _____

Address _____

TOWN BYLAWS – REPAIRS TO PRIVATE WAYS

ARTICLE 3

REPAIRS TO PRIVATE WAYS

Section 1. Classification

The Town Engineer and the Director of Public Works upon request of the Board of Selectmen acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

Section 2. Definition and Authorization

(ART. 20, ATM – 05/04/92) (ART. 23, ATM – 04/28/04)

The Board may vote to direct the Town Manager to make temporary repairs to private ways. Temporary repairs shall be limited to the filling of potholes, temporary patching, skimcoating, thin asphalt overlays, armor coating and grading of dirt roadways providing however, in the case of said grading, the petitioners agree to enter into a contract with a private contractor or the Town to pave the roadway forthwith. Drainage may be included when necessary as determined by the Public Works Director, to prevent further erosion.

Section 3. Criteria

(ART. 35, ATM – 05/18/05)

The Board shall in making its determination as to the advisability of making temporary repairs take into consideration the following factors:

- A. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- B. The volume of traffic that utilizes the private way i.e. deadend as opposed to feeder or connecting streets.
- C. The percentage of abutters on the particular private way petitioning the Board for the repairs.
- D. The number of years that the way shall have been open to public use.
- E. Such other considerations that the Board deems appropriate.
- F. Public Safety.

Section 4. Petition

The Board of Selectmen shall consider any private way or portion thereof for temporary repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary repairs.

The Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

Section 5. Alternate Petition

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut.

The Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters who abut all of the ways represented by the association. The Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented shall be given written notice of the hearing not less than seven days prior thereto.

Section 6. Assessment of costs

(ART. 23, ATM – 04/28/04) (ART. 35, ATM – 05/18/05)

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof, or if the Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A one-third deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

Section 7. Collection of Apportioned Share

(ART. 35, ATM – 05/18/05)

The Board of Selectmen before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay his/her property's unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above

the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutters property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.

Section 8. Liability

(ART. 35, ATM – 05/18/05) (ART. 19, ATM – 05/04/92)

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way which shall include damage from surface water run-off.

No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
STEVEN M. BYRNE, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

July 10, 2017

To Residents of Spring Road:

The Arlington Board of Selectmen will hold a public hearing on a petition received from two-thirds of the abutters of the private way known as Spring Road (from 3 Spring Rd. to 15 Spring Rd.) in accordance with Arlington Town bylaws, "Repairs to Private Ways", on **Monday, July 24, 2017, at 7:15 p.m. in the Selectmen's Chambers, 2nd Floor, Town Hall, 730 Massachusetts Avenue, Arlington, MA.**

The purpose of the public hearing is to determine if the repairs should be made. The public hearing will provide property owners an opportunity to be heard on the matter prior to the Selectmen taking action on the petition.

The total estimated cost of the work to be performed is \$28,500.00. The estimated assessment, per lot, to the abutting property owners is \$4,750.00 per lot and \$2,375.00 per half lot. If the Selectmen approve the project, one-third of the total estimated cost (\$1,583.33 per lot and \$791.67 per half lot) is required by certified check or money order prior to the start of the project. The remaining balance will be due upon completion, or if you choose, it can be assessed on your tax bill for payment over a **five-year period with interest**, in accordance with the M.G.L. Chapter 80, The Betterment Act.

Should you have any questions regarding this, please do not hesitate to contact me. Enclosed please find a copy of the Town bylaws, and a copy of the public hearing notice.

Very truly yours,
BOARD OF SELECTMEN

Marie A. Krepelka
Marie A. Krepelka
Board Administrator

MAK:fr
Enclosures

S:\Private Ways\Spring Rd.doc

(PLACE TOWN SEAL HERE PLEASE)

Legal Notice
BOARD OF SELECTMEN
PRIVATE WAY REPAIR
PUBLIC HEARING

At 7:15 p.m. Monday, July 24, 2017, there will be a public hearing at the Selectmen's Chambers, Town Hall, 730 Massachusetts Avenue, Arlington, MA, on a petition received from two-thirds of the abutters of the private way known as Spring Road (from 3 Spring Road to 15 Spring Road) in accordance with Arlington Town bylaws, "Repairs to Private Ways". The purpose of the public hearing is to determine if funds from the Private Way Account should be expended for said roadway.

Per Order of
The Board of Selectmen

Arlington Advocate publication:
July 13, 2017
July 20, 2017

TOWN BYLAWS – REPAIRS TO PRIVATE WAYS

ARTICLE 3

REPAIRS TO PRIVATE WAYS

Section 1. Classification

The Town Engineer and the Director of Public Works upon request of the Board of Selectmen acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

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(ART. 20, ATM-05/04/92) (ART. 23, ATM-04/28/04)

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Section 3. Criteria

(ART. 35, ATM-05/18/05)

The Board shall in making its determination as to the advisability of making temporary repairs take into consideration the following factors:

- A. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- B. The volume of traffic that utilizes the private way i.e. deadend as opposed to feeder or connecting streets.
- C. The percentage of abutters on the particular private way petitioning the Board for the repairs.
- D. The number of years that the way shall have been open to public use.
- E. Such other considerations that the Board deems appropriate.
- F. Public Safety.

Section 4. Petition

The Board of Selectmen shall consider any private way or portion thereof for temporary repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary repairs.

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A *one-third deposit* of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

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Section 7. Collection of Apportioned Share

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the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutters property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.

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(ART. 35, ATM – 05/18/05) (ART. 19, ATM – 05/04/92)

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No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

TOWN OF ARLINGTON
MIDDLESEX COUNTY, MASSACHUSETTS

July 24, 2017

**Order relating to Spring Road (from 3 Spring Road to 15 Spring Road) Roadway
Improvements.**

Moved and Seconded that the Board of Selectmen acting pursuant to G.L. c. 40 § 6N, c. 80 §§ 1-16, and Article 3 of Title III "Repairs to Private Ways" of the Bylaws, hereby issue the following order to assess betterments for Spring Road (from 3 Spring Road to 15 Spring Road).

- (1) Betterments are to be assessed for work done in accordance with the project entitled "Spring Road (3 Spring Rd. to 15 Spring Rd.), Private Street Repair Project".
- (2) Betterments shall be assessed equally upon each parcel of land benefiting from such roadway improvements based upon the number of parcels whose address, as assigned by the Town Engineering Department is on Spring Road (3 Spring Rd. to 15 Spring Rd.).
- (3) Betterment Costs, currently estimated at \$28,500.00 shall be assessed over a five year period at an interest rate not to exceed 5%; and
- (4) Final assessment of betterment costs shall be determined after the work is completed in accordance with the above Plan and as accepted by the Town.

By Order, Board of Selectmen

Joseph A. Curro, Jr., Chairman

Steven M. Byrne, Vice Chair

Kevin F. Greeley

Diane M. Mahon

Daniel J. Dunn



Town of Arlington, Massachusetts

Request: Common Victualler License

Summary:

The Granolabowl Cafe, 1346 Massachusetts Avenue, Emily Patel
Shared Retail Space with Arlington Art Lounge

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Ref_Mat_7.24.17_GranolaBowl.pdf	application & inspection packet

LICENSE APPLICATION REPORT

Type of License: Common Victualler License

Name of Applicant: Emily Patel & Sarah Short d/b/a The Granolabowl Café
Please note the d/b/a name change within the paperwork:
Revised name: The Granolabowl Cafe

Address: 1346 Massachusetts Ave.

The following Departments have **no objections** to the issuance of said license:

- Police x
- Fire
- Health
- Building
- Planning

The following Departments have **no objections** but have made comments or conditions regarding the issuance of said license: (see attached)

- Police
- Fire x
- Health x
- Building x
- Planning x

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police
- Fire
- Health
- Building
- Planning

ARLINGTON POLICE DEPARTMENT

Frederick Ryan
Chief of Police



POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900

Town of Arlington
MASSACHUSETTS 02474

June 19, 2017

On Monday, June 19, 2017 at 1:25 PM, I called and spoke with Emily Patel regarding this application for a Common Victualler for the Roasted Granola, located at 1346 Mass. Ave. Ms. Patel stated that this café will be sharing space with The Art Lounge located at the same address. Ms. Patel stated that they will be open during the hours The Art Lounge isn't. Ms. Patel stated that she is co-owners with her sister, Sarah Short and they hope to open sometime in September depending on the process.

I advised Ms. Patel that the Board of Selectmen may be conducting C.O.R.I and S.O.R.I checks during the application process.

Pending the checks conducted by the Board of Selectmen's Office, Arlington Police Dept. is not aware of any law enforcement or public safety reasons to object to the Common Victualler License for the Roasted Granola.

Respectfully Submitted,

Detective Edward DeFrancisco

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature:

Emily Patel

Date: *13 July 2017*



Arlington Fire Department Town of Arlington

Administrative Office

411 Massachusetts Ave, Arlington, MA 02474

Phone: (781) 316-3803 Fax: (781) 316-3808

Email: jkelly@town.arlington.ma.us

John R Kelly
Deputy Fire Chief

Checklist for food sales ownership conversion.

- All exit signs and emergency lights must be tested and in good working order
- FACP must have annual test paperwork on hand and be free of trouble and alarm signals
- Sprinkler system (if present) shall have current inspection tag
- All extinguishers must be hung with signs and a current inspection tag
- "K" extinguisher mounted and tagged in the kitchen area if using fat to cook
- All exits and exit paths must be in proper working order and free from storage
- No storage of excess combustibles allowed inside building or near exit ways
- Hoods must have current inspection/cleaning sticker attached
- Kitchen extinguishing systems must have current inspection tags
- If Ansul or Sprinklers present FACP must report to monitoring company
- Address must be clearly visible from the street
- Electrical panels must be accessible from floor to ceiling for the entire width
- Call for inspection after all has been completed 781-316-3803

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature:

Emily Katz

Date:

13 July 2017



Town of Arlington
Department of Health and Human Services
Office of the Board of Health

27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMO

To: Board of Selectmen
From: Kylee Sullivan, Health Compliance Officer
Date: July 13, 2017
RE: Board of Health Comments for Selectmen's Meeting on July 24, 2017:

Please accept the following as comments from the Office of the Board of Health:

**The Granola Bowl Café
Common Victualler License**

- *This office is currently reviewing the plan review application that was submitted for the Granola Bowl Café. A letter will be sent to the owner outlining the conditions of approval by the end of next week.*
- *Once the plans have been approved and conditions outlined in the approval letter have been met, this office will conduct a final inspection before issuing a permit to operate a food establishment.*
- *It is the owner's/manager's responsibility to ensure that the establishment complies with 105 CMR 590.000 (1999 Food Code).*

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Emily Patzel

Date: *13 July 2017*

BOARD OF SELECTMEN
Town of Arlington – Inspection Report

Report is due at the Office of the Board of Selectmen by, July 12, 2017
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 1346 Mass. Ave.
Applicant's name: Emily Patel/Sarah Short
D/B/A: The Roasted Granola shared retail space with Arlington Art Lounge
Telephone: 339 223-0062

Department: Sent E-mail

Date: June 13, 2017

MEETING DATE: July 24, 2017

Re:
Fire
Police
Board of Health
Building
Planning

Common Victualler

Comments by each Division or Department:

The Building Department has no objections to issuing this license as long as all of the following conditions are complied with:

All building changes need building permits.

All sign changes need approval and sign permit.

The Director of Inspectional Services has no objection to the issuance of this license pending compliance with Zoning and Building Code Regulations.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Name: Emily Patel (Emily Patel)

Date: 13 July 2017

**BOARD OF SELECTMEN
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Board of Selectmen by **July 12, 2017**
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 1346 Massachusetts Ave
Applicant's Name: Emily Patel/Sarah Short
D/B/A: The Roasted Granola shared retail space with Arlington Art Lounge
With different hours of operation—see business plan descriptive attached.
Telephone: 339 223-0062
Department: Sent Interoffice Mail & E-mail Date: June 13, 2017

MEETING DATE: July 24, 2017

Inspected By:

RE: COMMON VICTUALLER

Police
Fire
Board of Health
Building
Planning---Ali Carter, Economic Development Coordinator

INSPECTION REPORT SECTION:

The application is to issue a common victualler license to the Roasted Granola to commence operations within a space currently used by Arlington Art Lounge at 1346 Mass Ave. Recent surveys have shown significant demand for an independent coffee shop in the Arlington Heights neighborhood. In addition, this arrangement would activate a space that is currently underutilized during daytime hours. Given that the location is in a B3 Village Business zone, this is an appropriate use for this location. The Department has no objection to the issuance of a Common Victualler license to this business.

Any changes in signage, including signs in the window, and changes to the façade of the building may be subject to review by this Department. The Applicant is reminded that all signs, including re-lettering of the existing signs require a permit issued by the Building Department. Other provisions of the Zoning Bylaw may apply as determined by the Building Inspector.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Board of Selectmen; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: Emily Patel
Date: 13 July 2017

A business proposal for Arlington Heights: A shared space between Art Lounge and a new café:

We, Sarah Short and Emily Patel, are the owners of a small but growing granola company - The Roasted Granola. We have been in business since September 2013 when we started baking granola in our residential kitchen (Emily's house in Lexington, MA). We sold our granola at a few local farmers markets and retail locations. As the demand for our products began to grow, we rented space in a commercial kitchen in Shirley, MA. The rented space is no longer able to support the size of our business so we have decided it would be best to open our own kitchen. We also reassessed our business goals.

We realized we would like to become a part of a community - we felt isolated in Shirley and removed from our local communities. With this in mind, we looked at spaces in Arlington where Sarah is a resident and we considered finding a location where we could both grow our granola business as well as open a café.

We knew the Art Lounge to be a business open predominantly during the evening hours. We have met with the owners of Art Lounge and they are excited by the prospect of sharing the space with us. We also had a very positive response from Ali Carter, the Economic Development Coordinator. We have also seen the results of a survey sent to residents of Arlington Heights. The survey was conducted in the spring of 2016 and, among other things, it indicates many residents would like to see an independent café in the Heights.

Art Lounge currently offers evening art classes with a selection of light snacks, beer and wine. They also do private events and birthday parties on weekend afternoons and evenings. In contrast, we will use the same business location during the morning and afternoon hours. The Roasted Granola will use the kitchen during the morning and afternoon to continue our granola business and we will use the main event area to open a café offering granola, oatmeal, a small selection of bakery items, yogurt and fruit, as well as coffees and teas.

We plan to utilize the space at 1346 Massachusetts Avenue from approximately 7:00am to 4:00pm on weekdays and 7:00 to 1:00 on weekends. These are the hours the Art Lounge is not using the space. We will be separate businesses occupying the same space at different times. We believe our café will bring more people to Arlington Heights shopping center.

OFFICE OF THE BOARD OF SELECTMEN

730 Massachusetts Avenue
Town of Arlington
Massachusetts 02476-4908

RECEIVED
SELECTMEN'S OFFICE
ARLINGTON, MA 02476

2011 JUN 5 PM 1:05

(781) 316-3020
(781) 316-3029 fax

\$60.00 Filing Fee

APPLICATION

☒ COMMON VICTUALLER LICENSE

☐ FOOD VENDOR LICENSE (Take Out Only)

You must complete an application packet from the Board of Health Department located at 27 Maple St.

You must have the completed application reviewed by the Inspections Department located at 51 Grove St. before filing this application with this office

Location 1346 Massachusetts Ave Arlington, MA 02476

Name of Applicant Emily Patel / Sarah Short

Corporate Name (if applicable) _____

D/B/A The Roasted Granola

Date 5.15.11

I/We hereby agree to conform in all respects to the conditions governing such License as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen may establish. With the signing of this application, the applicant acknowledges that:

(A) it is understood that the Board is not required to grant the license.

(B) no work is to commence at the premises of the proposed location which is the subject matter of this application until the license is approved by the Board of Selectmen, and, furthermore, any work done is done at the applicant's risk, and

(C) in the event of a proposed sale of a business requiring a Common Victualler License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Board of Selectmen a thirty day notice of his intention to sell same before such application will be acted upon by the Selectmen.

(D) that the license is subject to revocation if the holder of the license does not comply with Town By-Laws or the Rules and Regulations of the Board.

Signature Name Emily Patel - Emily Patel

Signature Name Sarah M. Short - Sarah Short

Phone: 339.223.0062 Email: emily@roastedgranola.com

Note: (A) If a corporation, state full names and addresses of principal officers.

(B) If a co-partnership, information must be provided on each partner; if a corporation, information must be provided on corporate officer making application.

Name <u>Emily Patel</u>	Name <u>Sarah Short</u>
Address <u>11 Hancock Avenue</u>	Address _____
City <u>Lexington</u> Zip <u>02420</u>	City <u>Arlington</u> Zip <u>02476</u>
DESCRIPTION OF APPLICANT	DESCRIPTION OF APPLICANT
Born in the U.S., Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Born in the U.S., Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Born Where <u>Montclair, New Jersey</u>	Born Where <u>Montclair, New Jersey</u>
Date of Naturalization _____	Date of Naturalization _____
Male or Female <u>Female</u>	Male or Female <u>Female</u>
Date of birth <u>[REDACTED]</u>	Date of birth <u>[REDACTED]</u>
Height <u>5 ft. 4 in.</u>	Height <u>5 ft. 5 in.</u>
Weight <u>120</u>	Weight <u>130</u>
Complexion <u>light</u>	Complexion <u>light</u>
Hair <u>Brown/Greyes Blue/Grey</u>	Hair <u>brown/grey</u> Eyes <u>hazel</u>
Mother's Name <u>Constance Short</u>	Mother's Name <u>Constance Short</u>
Father's Name <u>Thomas Short</u>	Father's Name <u>Thomas Short</u>
Wife's Maiden Name <u>N/A</u>	Wife's Maiden Name <u>NA</u>
Photo 1 inch by 1 inch	

=====

The Establishment shall operate as:

☐ Sole Ownership ☐ Partnership ☐ Total Number of Partners ☐ Corporation Based in _____

(Once approved, please go to Clerk's Office for Business Certificate)

Corporate Information Required:

President _____

Secretary _____

Treasurer _____

Name

Address

Zip

INFORMATION RELATIVE TO APPLICATION

Breakfast Light breakfast including granola, yogurt,
 Yes ☒ No ☐ blended fruit, fresh fruit, muffins, oatmeal
 Lunch _____
 Yes ☐ No ☐ _____
 Dinner _____
 Yes ☐ No ☐ _____

Do you own the property? Yes ☐ No ☐ Tenant At Will ☐ Lease ☒ years

Hours of Operation:

Day Mon - Fri Hours 7:00 - 4:00
 Day Sat - Sun Hours 7:00 - 1:00
 Day _____ Hours _____

Floor Space 900 Sq. Ft. Seating Capacity (if any) 19
 Parking Capacity (if any) 0 spaces Number of Employees 2

List Cooking Facilities (and implements)

Kitchen is on site, approx 600 sq ft. Appliances include
oven, induction stove, microwave, refrigerator

Will a food scale be in use for sale of items to the public? Yes ☒ No ☐

Will catering services be provided by you? Yes ☐ No ☒

A copy of the following items must be submitted with the application:

1. ☒ Layout Plan of Facility & Fixtures
2. ☒ Site Plan (obtained at Bldg. Dept., 51 Grove St.)
3. ☒ Outside Facade and Sign Plan (dimensions, color) - Adding our name to the outside
4. ☒ Menu (Ali Carter) Signage / Sandwich board.
5. ☒ Maintenance Program - ? Cleaning + trash.

If the facilities are not yet completed, provide estimated cost of work to be done \$ _____

FOR OFFICE USE ONLY

Scheduled Hearing when Application will be presented to Board of Selectmen for approval:

Date _____ Time _____

Board Action: Approved Yes ☐ No ☐

APPLICANT'S RESUME

Food Business Experience of Applicant

From Oct. 2013 to present
 Employee _____ D/B/A _____
 Sole Owner _____ Location _____
 Partnership Emily Patel / Sarah Short Type Food Granola
 Corporation _____ Number of Employees 0

From _____ to _____
 Employee _____ D/B/A _____
 Sole Owner _____ Location _____
 Partnership _____ Type Food _____
 Corporation _____ Number of Employees _____

List any other information that you feel will assist in the review of this application.

We have been making and selling granola and related products for the past 3.5 years, and are very eager to move our production to the kitchen in Arlington Heights. We feel the cafe will be a natural extension to our business. We will keep the menu simple and provide a high quality coffee and tea service, which the people of Arlington Heights have expressed interest in having a cafe.

REFERENCES

Bank Cambridge Trust Co. Type Account Personal Business ☒
 Address 1190 Mass Ave. Lexington Phone 781-863-0976
 Account Number [REDACTED] Contact Stacy Sheehan
 Personal Reference Janet Plamph
 Address 77 Revere St. Boston, MA Phone 781-771-2927
 Prior Employer Global Weather Dynamics
 Address 2400 Garden Rd. Phone 831-642-6100
 Number of years employed 6 From 1990 To 1996
 Contact _____ Position Held software engineer
 Other Children's Hospital, Boston, MA (Cancer research) Sarah Short

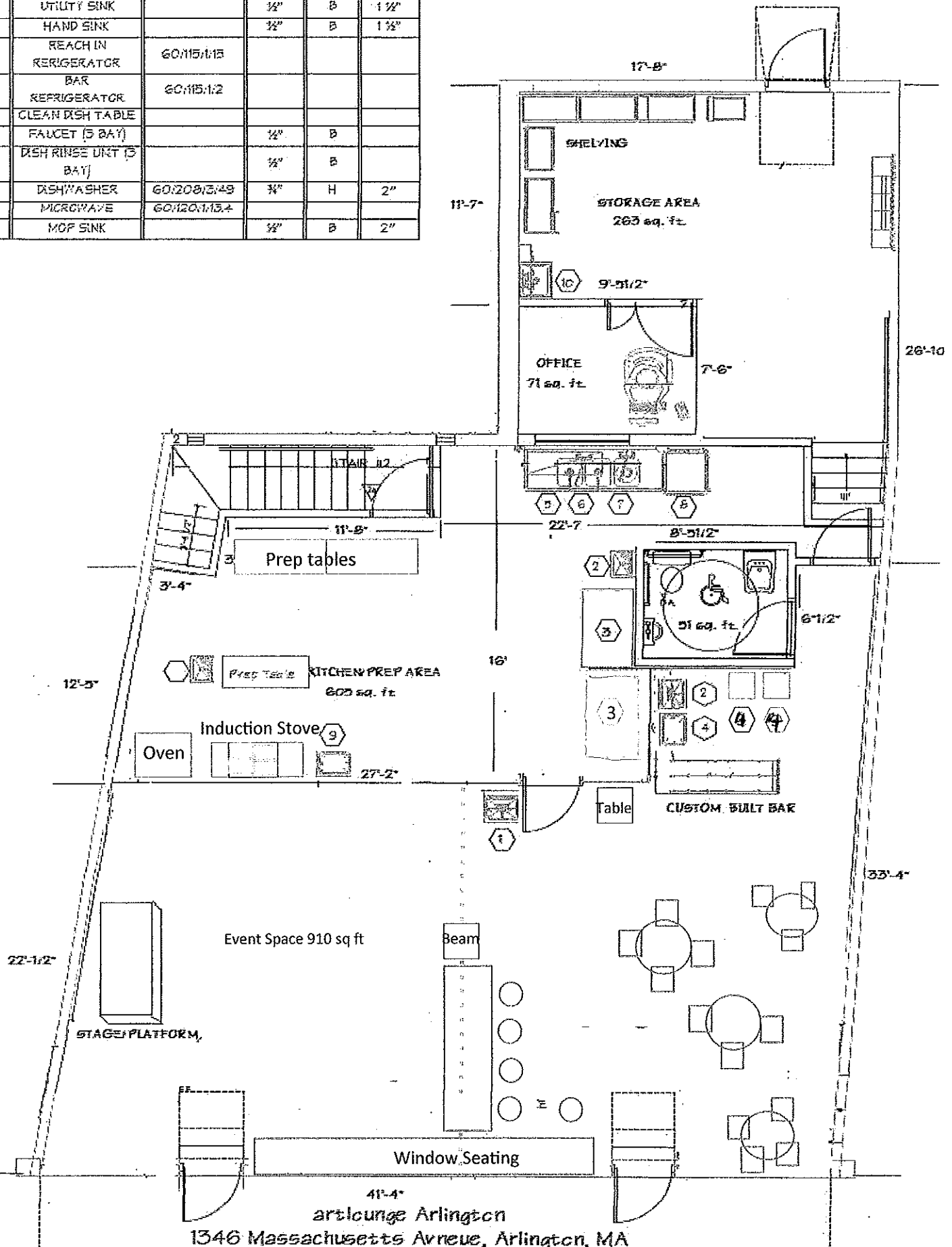
Emily Patel

Personal reference for Sarah Short: Sheila O'Shaughnessy
 Cell # 646.642.4291; Arlington, MA

Emily - I've been a stay-at-home mom since 1997.

FIXTURE/EQUIPMENT SCHEDULE

KEY #	EQUIPMENT	CYCLE/VOLTS/ PHASE/AMPS	WATER LINE SIZE	HOT/ COLD/ BOTH	WASTE SIZE
1	UTILITY SINK		1/2"	B	1 1/2"
2	HAND SINK		1/2"	B	1 1/2"
3	REACH IN REFRIGERATOR	60/115/1/15			
4	BAR REFRIGERATOR	60/115/1/2			
5	CLEAN DISH TABLE				
6	FAUCET (3 BAY)		1/2"	B	
7	DISH RINSE UNIT (3 BAY)		1/2"	B	
8	DISHWASHER	60/208/13/45	3/4"	H	2"
9	MICROWAVE	60/120/1/3.4			
10	MOP SINK		1/2"	B	2"



The Granola Bowl Café Outside Façade and Sign Plan

We will initially add a sign similar to the current sign with the name of the café in lettering of similar size and color to existing Art Lounge signage but the font will be different, indicating a second business in the same location.

We will work with Ali Carter to try and secure funding for new signage to be shared between the Art Lounge and the new café. We will work together to create a feeling of our new shared space.



The Granola Bowl Café

Maintenance Program – Daily

- Clean all beverage dispensing equipment
- Clean and put away all dishes, utensils, pots and pans.
- Empty sinks and dishwasher of all items.
- Clean (scour) sinks. (Kitchen and bathroom)
- Wipe down all surfaces (kitchen, café and bathroom). First with a cloth then with sanitizer and paper towel
- Sweep floor (kitchen, café and bathroom)
- Wash floor (kitchen, café and bathroom)
- Bathroom – Clean and sanitize toilet.
- Take out garbage, clean can, re-line with plastic bag (kitchen, café and bathroom)
- Wipe down windows and doors

Maintenance Program – Weekly

- Clean refrigerators
- Clean oven
- Clean racks for ovens
- Clean windows and doors

Maintenance Program - Monthly

- Move large items such as shelving and appliances where appropriate and clean under and/or behind.
- Clean refrigerators
- Clean coffee machines
- Inspect any air ducts and fan blades.
- Wash walls
- Check and remove cobwebs

The Granola Bowl Café

Menu:

Coffee, Tea, Espresso drinks.	\$3.50
Oatmeal – with milk or yogurt, sweetener, fresh fruit	\$6.00
Overnight Oats – with milk or yogurt, sweetener, fresh fruit	\$6.00
Granola – in bowl with yogurt, milk, sweetener, fresh fruit	\$8.00
Yogurt - in bowl with granola, sweetener, fresh fruit	\$8.00
Smoothie Bowl (Acai bowl) – in bowl with granola, sweetener, fresh fruit	\$10.00
Chia pudding	\$5.00
Parfait	\$5.00
Muffin	\$3.00
Cookies	\$2.00
Oat muffin	\$3.00
Granola bars	\$2.50
Energy bars	\$2.00



Town of Arlington, Massachusetts

Approval: Draft Liquor License Suspension Decision

Summary:

Douglas W. Heim, Town Counsel

Restaurants:

a) Duet, 190 & 192 Massachusetts Avenue

b) Zhu's Garden, 166 Massachusetts Avenue

Package Store:

c) Alexander Liquors, 94B Summer Street

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	File Name	Description
Reference Material	Duet_Draft_Decision.pdf	Duet Draft Decision
Reference Material	Zhu_s_Garden_Draft_Decision.pdf	Zhu's Garden Draft Decision
Reference Material	D._Heim_Alexander_Liquors_#2.pdf	Alexander Liquors Draft Decision
Reference Material	ALEXANDER_LIQUORS_Memo_In_Support_of_Reconsideration_July_20_2017_(1).pdf	Request from William Kelley, Jr. OF Counsel to Reconsider Vote to Revoke Alexander Liquors' License

OFFICE OF THE BOARD OF SELECTMEN

JOSEPH A. CURRO, JR., CHAIR
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DANIEL J. DUNN



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781-316-3020
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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: W&C Restaurant Corp., d/b/a Duet
Wayne A. Duprey & Cyrille Couet

Licensed Premises: 190&192 Massachusetts Avenue
Bistro Duet

License No.: #003000036

License Type: Restaurant Liquor License (Sale of Alcoholic Beverages to
be Consumed on the Premises - Wine and Malt Beverages
Only)

Expiration Date: December 31, 2017

Summary of Findings and Decision

On June 19, 2017, after proper notice and hearing, the Town of Arlington Board of Selectmen, in its capacity as local liquor licensing authority ("LLA"), unanimously voted to order suspension of the above-referenced license for three consecutive (3) days beginning on the same day of the week that the violation was committed (a Monday) in August, the specific date to be designated by the Licensee and reported to the Board staff.

In accordance with G.L. c. 138, § 23, the LLA hereby provides this statement of reasons for its action.

Procedural History

The Arlington Police Department (“Department”), as the duly appointed agent for the LLA, conducted alcohol compliance checks on February 27, 2017, February 28, 2017, and March 8, 2017. The Department later notified the LLA of the results of that operation, including advising the LLA of those licensees which failed the compliance check, including Bistro Duet. In accordance with G.L. c. 138, § 23(4), the Board scheduled a hearing on June 19, 2017, at approximately 7:15 p.m. to consider the February 27, 2017 compliance check failures, including Bistro Duet. The licensee was notified of the hearing by certified letter dated May 15, 2017, and acknowledged receipt of same. The hearing was postponed until June 19, 2017, and the Licensee was so advised.

Questions Presented

- (1) Did a violation of the state liquor law occur on the above-referenced licensed premises on or about February 27, 2017, by the sale or delivery of alcoholic beverage(s) to one or more underage persons?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

Evidence

The following documents were accepted and made part of the record:

(A) Arlington Police Department Incident Report # 17005217/1

(February 27, 2017);

(B) Bistro Duet's Alcohol Service Package, including: (1) Bistro Duet's Updated Alcohol Service Policy; (2) Documentation of Employee Sign-Offs for Alcohol Service Training and Policies (both original sign-offs prior to the incident, and renewed sign-offs for revised policies by all staff); (3) Documentation of Discipline for the Bistro Duet bartender who served the underaged operatives; (4) a new Alcohol Service "Rip-Off" Calendar to highlight the precise legal age of drinking each day; (5) documentation of renewed TIPS certifications; and (6) a new alcohol service incident log book.

The following witnesses appeared and testified:

(1) Inspector Stephen Porciello, Arlington Police Department: summarized the annual alcohol compliance check operation and investigatory findings of the Department, especially information codified in Incident Report No. 17005217, which recorded the details of Bistro Duet's compliance check failure; and

(2) Wayne Duprey, Co-Owner and Manager of Bistro Duet: apologized profusely for the violation, which he did not dispute. He explained in detail the circumstances which led to the violation, the discipline meted out to that

employee, revisions to policies and trainings, and other measures being taken to prevent future violations.

(3) John Leone, Esq., Counsel for Bistro Duet: providing supporting details on the policies and training of the Licensee, old and new, as well as details of the incident.

Findings of Fact

On the basis of the evidence presented at the June 19, 2017 hearing, described above, and judicially noticeable information, the LLA made the following findings of fact:

1. On February 27, 2017, the Arlington Police Department, through Inspector Stephen Porciello and Detective Sergeant Bryan Gallagher, conducted alcohol compliance checks of thirteen of the Town's restaurants licensed to sell alcoholic beverages for consumption on the premises under G.L. c. 138, § 12 (subsequent further compliance checks of other license holders on or about February 28, 2017, and March 8, 2017). *Porciello Testimony; Incident Report.*

2. The compliance check was conducted in similar fashion to previous checks conducted in Arlington and in accordance with the Compliance Check Guidelines of the Alcoholic Beverages Control Commission. *Porciello Testimony.*

3. As part of this compliance check, two underaged operatives were sent into each establishment with no identification. The operatives attempted to purchase alcoholic beverages in each establishment. At the Licensed Premises on February 27, 2017, the two operatives ordered, and were each served bottles Kronenbourg 1164 beer

by a white male who was approximately 6'00" with an average build. He was not wearing a name tag. The operatives paid for the drinks and received change and a receipt. The operatives did not consume the beverages but left the restaurant. The bartender in question, subsequently identified as Mr. Tim Hurlburt acknowledged the violation, stating "I didn't ID them, my fault." *Porciello Testimony; Incident Report.*

4. This is the first alcohol or liquor violation that has been documented relative to Bistro Duet. The Licensee did not dispute Inspector Porciello's rendition of the facts or the Incident Report, and its representatives expressed great regret regarding the violations. They identified clearly and directly the causes of the violation and the Licensee committed itself to reforming its alcohol service policies and training practices, having already reviewed new policies with all alcohol-serving staff in advance of the hearing. The Licensee provided the LLA with the updated written policies, training materials, and TIPS certifications, as well as evidence of their employees' acknowledgment of policies in question. The bartender who made this illegal sale was disciplined with a one-week suspension and not permitted back to work without additional training. *Duprey Testimony; Leone Testimony; Incident Report; Bistro Duet Materials.*

5. Specifically, Mr. Duprey admitted that the bartender in question, who had only been on staff for three (3) days, had been provided an alcohol service policy materials but had yet to return documentation confirming that he had read and understood same before coming on shift. *Duprey Testimony; Leone Testimony, Bistro Duet Materials.*

6. Mr. Duprey testified extensively as to the measures that would be taken to address this specific failure, agreeing with the LLA that no alcohol serving employee would be allowed on shift without having signed their acknowledgement that they have read and understand Bistro Duet's Alcohol Service Policy and related materials. He further committed to using this incident as an occasion to revisit and improve upon other areas of alcohol service, such as training on recognition and documentation of concerns of over-service or already intoxicated patrons entering the premises. *Duprey Testimony; Bistro Duet Materials.*

Conclusion

On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced licensed premises on or about February 27, 2017, by the sale or delivery of alcoholic beverage(s) to one or more underage persons?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

3-day license suspension for consecutive days to commence on a Monday, as selected by the Licensee on or after a July 24, 2017, but to be completed before August 31, 2017.

Discussion

Sections 12 and 34 of Chapter 138 of the General Laws prohibit sale or delivery of alcoholic beverages to any person under 21 years of age. G.L. c. 138, §§ 12, 34. On February 27, 2017, two underaged persons were sold alcoholic beverages by the Licensee's staff on the Licensed Premises. This sale was in violation of Chapter 138, as well as the regulations of the Alcoholic Beverages Control Commission at 204 C.M.R. 2.05(2).

The LLA has adopted a policy governing the sale of alcoholic beverages by restaurants. See Alcohol Licenses and Regulations, at Policies, Rules, and Regulations of Alcohol Licenses for Restaurants (revised January 12, 2015) ("Policy"). The Policy provides that a first offense of serving alcohol to an underaged person will presumptively lead to a license suspension of three to five days to commence on the same day of the week as the violation. See Policy at p. 8. Among the factors to be considered in fixing the penalty are the quality of the evidence of the violation, the licensee's procedures for avoiding underage sales, efforts made to check identification, nature and circumstances of the violation, and history of violations by the licensee. Id.

Here, the evidence is uncontroverted that the violation occurred and there was no effort made to check identification of the underaged operatives. Because it was undisputed that the violation occurred, the LLA has no choice but to impose a suspension. The LLA expressed some frustration that one of the warnings often articulated to new Licensees – that violations typically occur when new staff are hired to meet staffing shortages – appeared to have been missed by the License Holder as well as

concern about Bistro Duet staff such as hostesses juggling too many responsibilities to oversee alcohol service policy compliance.

However, the LLA is satisfied with the detail, scope, and depth of the Licensee's response in formulating and adopting new, more thorough alcohol service policies and training, taking disciplinary action to reinforce the seriousness of violations, and using this unfortunate incident to prompt further self-analysis. It is the LLA's understanding that Bistro Duet has also already reformed their practice so that alcohol serving employees will not be allowed to work in such capacities before management receives written acknowledgement of reading and understanding alcohol service rules. The Licensee commits to continuing this revised practice in the future.

Given the comprehensive proactive response by the License Holder to the incident, as well as the fact that this is the Licensee's first recorded violation of any kind, the LLA chooses to implement the minimum three-day suspension called for in its guidelines for a first offense and will allow the Licensee to determine when the suspension shall begin so long as it is served on three consecutive days beginning on the day of the week when the violation was committed (a Monday in this instance).

Order

For the reasons stated herein, the above-referenced license is **SUSPENDED** for three consecutive (3) days beginning on the same day of the week that the violation was committed (a Monday) in August, the specific date to be designated by the Licensee and reported to the Board staff and to be completed before August 31, 2017. This order does not affect the Licensee's Common Victualler permit, so the Licensee may remain open for serving food and non-alcoholic beverages on those days, as long as no alcoholic beverages are exposed for sale.

Dated: July 24, 2017

By:

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Joseph A. Curro, Jr., Chair

Steven M. Byrne, Vice-Chair

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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: Zhu's Garden, Inc., d/b/a Zhu's Garden
Boweï Zhu

Licensed Premises: 166 Massachusetts Avenue
Zhu's Garden

License No.: #003000015

License Type: Restaurant Liquor License (Sale of Alcoholic Beverages to
be Consumed on the Premises)

Expiration Date: December 31, 2017

Summary of Findings and Decision

On June 19, 2017, after proper notice and hearing, the Town of Arlington Board of Selectmen, in its capacity as local liquor licensing authority ("LLA"), unanimously voted to order suspension of the above-referenced license for three consecutive (3) days beginning on the same day of the week that the violation was committed (a Monday) in August, the specific date to be designated by the Licensee and reported to the Board staff. In accordance with G.L. c. 138, § 23, the LLA hereby provides this statement of reasons for its action.

Procedural History

The Arlington Police Department ("Department"), as the duly appointed agent for the LLA, conducted alcohol compliance checks on February 27, 2017, February 28, 2017, and March 8, 2017. The Department later notified the LLA of the results of that operation, including advising the LLA of those licensees which failed the compliance check, including Zhu's Garden. In accordance with G.L. c. 138, § 23(4), the Board scheduled a hearing on June 19, 2017, at approximately 7:15 p.m. to consider the February 27, 2017 compliance check failures, including Zhu's Garden. The licensee was notified of the hearing by certified letter dated May 15, 2017, and acknowledged receipt of same. The hearing was postponed until June 19, 2017, and the Licensee was so advised.

Questions Presented for Hearing

- (1) Did a violation of the state liquor law occur on the above-referenced licensed premises on or about February 27, 2017, by the sale or delivery of alcoholic beverage(s) to one or more underage persons?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

Evidence Presented

The following documents were accepted and made part of the record:

- (A) Arlington Police Department Incident Report # 17005217 / 1 (February 27, 2017).
- (B) Package of Materials from Zhu's Garden including new alcohol service signage, and collected alcohol service training materials.

The following witnesses appeared and testified:

(1) Inspector Stephen Porciello, Arlington Police Department: summarized the annual alcohol compliance check operation and investigatory findings of the Department, especially information codified in Incident Report No. 17005217, which recorded the details of Zhu's Garden's compliance check failure; and

(2) Bowei Zhu (also known as "Aaron Zhu"), Owner and Manager of Zhu's Garden: acknowledged the violation, expressing regrets for the compliance check failure, and explaining both the circumstances which led to the violation and plans to tighten measures and protocols in the future to prevent underage service.

Findings of Fact

On the basis of the evidence presented and judicially noticeable information at the June 19, 2017 hearing, described above, the LLA made the following findings of fact:

1. On February 27, 2017, the Arlington Police Department, through Inspectors Stephen Porciello and Detective Sergeant Gallagher, conducted alcohol compliance checks of thirteen of the Town's restaurants licensed to sell alcoholic beverages for consumption on the premises under G.L. c. 138, § 12 (subsequent further compliance checks of other license holders on or about February 28, 2017, and March 8, 2017). *Porciello Testimony; Incident Report.*

2. The compliance check was conducted in similar fashion to previous checks conducted in Arlington and in accordance with the Compliance Check Guidelines of the Alcoholic Beverages Control Commission. *Porciello Testimony.*

3. As part of this compliance check, two underaged operatives were sent into each establishment with no identification. The operatives attempted to purchase alcoholic beverages in each establishment. At the Licensed Premises on February 27, 2017, the two operatives ordered, and were each served 2 Peak Fresh Cut beers by an Asian woman wearing black. She was not wearing a name tag. The operatives paid for the drinks and received change along with a receipt. The operatives did not consume the beverages but left the restaurant. *Porciello Testimony; Incident Report.*

4. This is the first liquor violation documented for the License Holder, who did not dispute Inspector Porciello's rendition of the facts or the Incident Report and apologized for the incident. *Zhu Testimony.*

5. Co-owner and manager Mr. Bowei Zhu further testified that the server who failed to check for ID had been working for him for approximately 3 months, had been trained in alcohol service, was reprimanded for the incident and prohibited from serving alcohol for one month, and had received further alcohol service training since the incident. The Licensee represented that weekly meetings were now being held to reinforce alcohol service rules and have been effective. *Zhu Testimony.*

6. Mr. Zhu also obtained alcohol service policies from other area restaurants, and pledged to update and revise his own in the language of fluency of his employees. Further he noted the consistent presence of at least one of three managers on site, and posted additional signs regarding alcohol service throughout service stations on the premises. *Zhu Testimony.*

Conclusion

On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced licensed premises on or about February 27, 2017, by the sale or delivery of alcoholic beverage(s) to one or more underage persons?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

3-day license suspension for consecutive days to commence on a Monday, as selected by the Licensee on or after a July 24, 2017, but to be completed before August 31, 2017

Discussion

Sections 12 and 34 of Chapter 138 of the General Laws prohibit sale or delivery of alcoholic beverages to any person under 21 years of age. G.L. c. 138, §§ 12, 34. On February 27, 2017, two underaged persons were sold alcoholic beverages by the Licensee's staff on the Licensed Premises. This sale was in violation of Chapter 138, as well as the regulations of the Alcoholic Beverages Control Commission at 204 C.M.R. 2.05(2).

The LLA has adopted a policy governing the sale of alcoholic beverages by restaurants. See Alcohol Licenses and Regulations, at Policies, Rules, and Regulations of Alcohol Licenses for Restaurants (revised January 12, 2015) ("Policy"). The Policy

provides that a first offense of serving alcohol to an underaged person will presumptively lead to a license suspension of three to five days to commence on the same day of the week as the violation. See Policy at p. 8. Among the factors to be considered in fixing the penalty are the quality of the evidence of the violation, the licensee's procedures for avoiding underage sales, efforts made to check identification, nature and circumstances of the violation, and history of violations by the licensee. Id.

Here, the evidence is uncontroverted that the violation occurred and there was no effort made to check identification of the underaged operatives. Because it was undisputed that the violation occurred, the LLA has no choice but to impose a suspension. The LLA is generally satisfied with the efforts the Licensee has made to prevent future violations and the management structure – three managers ensuring that supervisory staff are on hand at all times. However, the LLA cautions that merely adopting other establishment's policies wholesale is not sufficient. The Board expects that Zhu's Garden will custom tailor its alcohol service policies to the establishment and continue the more frequent and robust training of employees serving alcohol.

Given the pledged changes in place and forthcoming, as well as Zhu's otherwise clean record of compliance with rules and regulations related to alcohol service and otherwise, the LLA chooses to implement the minimum three-day suspension called for in its guidelines for a first offense and will allow the Licensee to determine when the suspension shall begin so long as it is served on three consecutive days beginning on the day of the week when the violation was committed (a Monday in this instance), and completed before August 31, 2017.

Order

For the reasons stated herein, the above-referenced license is **SUSPENDED** for three consecutive (3) days beginning on the same day of the week that the violation was committed (a Monday) in August, the specific date to be designated by the Licensee and reported to the Board staff and to be completed before August 31, 2017. This order does not affect the Licensee's Common Victualler permit, so the Licensee may remain open for serving food and non-alcoholic beverages on those days, as long as no alcoholic beverages are exposed for sale.

Dated: July 24, 2017

By:

TOWN OF ARLINGTON
BOARD OF SELECTMEN

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TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: Arlington Liquors d/b/a "Alexander Liquors"

Licensed Premises: 94B Summer Street
(Arlington Liquors)

License No.: 003000048

License Type: Package Store License

Expiration Date: December 31, 2017

Summary of Findings and Decision

On June 19, 2017, after proper notice and hearing, the Town of Arlington's Board of Selectmen, in its capacity as a local liquor licensing authority ("LLA"), voted to revoke Arlington Liquors' (a/k/a "Alexander Liquors") license. The LLA's decision is based upon the number and severity of alcohol and related violations within a short period of time, the most recent of which occurred while the license holder was on probation for a previous violation, as well as the license holder's manifest lack of any plan or measures to address issues which have apparently led to multiple sales of tobacco and alcohol to underage persons and other illegalities on the premises. This body is well aware of the severity of this penalty, but found little basis in the License Holder's

testimony at hearing to allay its numerous concerns about the safe and effective management and exercise of the business and license at issue in the interests of the public good.

Procedural History

The Arlington Police Department (“Department”), as the duly appointed agent for the LLA, conducted annual alcohol compliance checks (a description of which is provided below) on February 27, 28, and March 8, 2017. The Department later notified the LLA of the results of those operations, advising the LLA of those licensees which failed the compliance check, including “Arlington Liquors.” In accordance with G.L. c. 138, § 23(4), the Board scheduled a hearing on June 5, 2017, at approximately 7:15 p.m. to examine the alleged violations and consider whether or not any violation of c. 138, ABCC regulations, or LLA regulations occurred. The Licensee was notified of the hearing by certified letter dated May 15, 2017 and acknowledged receipt of same. The hearing was subsequently postponed until June 19, 2017, and licensee was notified accordingly.

Questions Presented for Hearing

- (1) Did a violation of the state liquor law occur on the above-referenced premises by sale or delivery of alcoholic beverages to persons under the age of 21 in violation of c. 138 § 34, as well as 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result, including a violation of probationary terms set forth at the Board’s November 14, 2016 hearing for an alcohol license violation by the license holder, approved and codified by the Board’s decision of November 28, 2016?

License History & Prior Violations

The LLA approved the transfer of the “all alcohol package store” license at issue to “Arlington Liquors d/b/a Alexander Liquors” and its owner and manager Mr. Alexander Kushnirsky by a 4-0 vote on August 22, 2011. Since that time, Arlington Liquors has been twice failed tobacco compliance checks, wherein cigarettes were sold to persons under the age of 21, in violation of the Arlington’s Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products. Most recently, Arlington Liquors failed a tobacco compliance check on March 16, 2016; and the Arlington Board Health subsequently voted to issue a \$100 fine and suspend tobacco sales at Arlington Liquors for seven (7) days on or about April 6, 2016.¹ *See* Board of Health Minutes & Decisions annexed hereto as Attachment “A.” Arlington Liquors had previously failed the same type of tobacco compliance check on January 7, 2013, resulting in a February 3, 2013 fine and suspension of the same magnitude. *See* Attachment “A.”

Moreover, on November 14, 2016 the Board of Selectmen, in its capacity as the LLA, determined that Arlington Liquors had violated the terms of its license and 204 C.M.R. 2.05(2), when its manager and owner (Mr. Kushnirsky) was found unresponsive and in possession of medical marijuana without a medical marijuana ID card (a then illicit substance), while also on the premises of his package store on or about February 26, 2016. Based upon the evidence and testimony regarding the February 26, 2016 incident, the LLA issued a five (5) day license suspension held in abeyance for a one-year

¹ It bears noting that according to Board of Health minutes of its April 6, 2016 Hearing, Mr. Kushnirsky represented that he was unaware that the legal age required for sale of tobacco in Arlington is 21 years old.

probationary period to end on November 30, 2017.² See, November 28, 2016 LLA Decision Re: Arlington Liquors, annexed hereto as Attachment “B.”

Evidence Presented

The following documents were accepted and made part of the record:

(A) Arlington Police Department Reports Nos. 17005217 (February 27, 2017), 17005303 (February 28, 2017), and 17006003 (March 8, 2017)(hereinafter “Incident Reports,” and annexed hereto as Attachment “C”).

The following witnesses appeared and testified:³

(1) Arlington Police Department Inspector Stephen Porciello: summarized the annual alcohol compliance check operation and investigatory findings of the Department, especially information codified in Incident Report No. 17005303, which recorded the details of Arlington Liquors’ compliance check failure; and

(2) Alexander Kushnirsky, Owner and Manager of Arlington Liquors: provided the Licensee’s recitation of events, information on his business practices regarding checking identification, and referenced physical evidence not presented to the LLA (video recordings allegedly capturing the sale of alcohol to compliance check operatives).

² Given the findings of the June 18, 2017 Hearing in this matter, Arlington Liquors was noticed and did serve a five (5) day consecutive license suspension on or about June 23-27, 2017 in satisfaction of this Board’s prior decision.

³ A true and accurate recording of the entirety of the proceeding including Inspector Porciello and Mr. Kushnirsky’s testimony is available on demand at: <http://acmi.tv/videos/selectmen-meeting-june-19-2017/> A transcript of such proceedings is also available upon request.

Findings of Fact

On the basis of the evidence presented at the June 19, 2017 Hearing described above, and other judicially noticeable information, the LLA made the following findings of fact:

1. On February 28, 2017, at approximately 4:48 p.m., Arlington Police Department, through Inspectors Stephen Porciello and Detective Sergeant Bryan Gallagher, conducted annual alcohol compliance checks on thirteen (13) of the Town's restaurants licensed to sell alcoholic beverages for consumption on the premises under G.L. c. 138, § 12, and two (2) of the Town's licensed package stores under G.L. c. 138 § 15. Previous compliance checks had been conducted for other restaurant, theater, and package store license holders on February 27, 2017, and subsequent checks were conducted on March 8, 2017. *Porciello Testimony; Incident Report.*
2. The compliance check was conducted in similar fashion to previous checks conducted in Arlington, and in accordance with the Compliance Check Guidelines of the Alcoholic Beverages Control Commission. Operatives are advised to make straight-forward orders for the purchase of alcohol and did not attempt to use fraudulent identification. *Porciello Testimony; Incident Report.*
3. As part of this compliance check, two underaged (teenage) operatives were sent into each establishment with no identification on the date in question. The operatives attempted to purchase alcoholic beverages in

each establishment. At the Licensed Premises on February 28, 2017, the two operatives purchased one (1) six-pack of Bud Light cans from a cashier later self-identified as Almaz Imanlieve to APD. The operatives paid for the six-pack and received change along with a receipt. The operatives left the package store to return immediately thereafter with the APD personnel and notify Arlington Liquors of the violation. *Porciello Testimony; Incident Report.*

4. Mr. Iamnlieve acknowledged the sale, but believed he had seen the operatives “in the business in the past.” *Incident Report.*
5. These operatives are, in the opinion of Inspector Porciello, underage in physical appearance. *Porciello Testimony.*
6. The Licensed Premises has been operated by the present license holder since August of 2011. It has not previously failed an alcohol compliance check. The Licensed Premises was previously determined to have violated state and local alcohol regulations at a November 14, 2016 hearing of the LLA, when the owner and manager of the Licensed Premises was found to have been in illegal possession of medical marijuana without a authorized patient identification card on or about February 26, 2016. Moreover, the Licensed Premises has a record of at least two (2) prior violations of tobacco sales laws and regulations (including one in the last year), having similarly sold cigarettes to persons under the legal age for purchase without checking identification in

compliance checks conducted by the Town Health and Human Services Department. *See Attachments “A,” and “B.”*

7. The Licensee did not dispute Inspector Porciello’s basic facts and conclusions, or that the violation set forth in the Incident Report occurred.

Kushnirsky Testimony.

8. The Licensee reported that his employee, Mr. Imanlieve, has worked for him in a similar capacity for approximately eight (8) years. *Kushnirsky*

Testimony.

9. Mr. Kushnirsky admitted that the female operative looked “very young,” but believed the male operative looked older because he was bald.

Kushnirsky Testimony.

10. Mr. Kushnirsky asserted that he takes underage service very seriously, continuously trains his employees in checking for identification, that they are “on top” of identification checks, and that his employees provide APD with confiscated fake IDs. *Kushnirsky Testimony.*

11. However, APD did not corroborate receipt of fake IDs on a routine basis from the Licensee, if at all; and Mr. Kushnirsky acknowledged that the Licensee does not keep logs of underage customer incidents. *Porciello*

Testimony; Kushnirsky Testimony.

12. Furthermore, Mr. Kushnirsky suggested that underage service would not occur if the Town of Arlington’s or larger community’s alcohol policies were different. *Kushnirsky Testimony.*

13. Moreover, Mr. Kushnirsky expressed his view that this is an “isolated incident,” but did not outline any plans to change policy or practices at the Licensed Premises. *Kushnirsky Testimony*.

Conclusion

On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced premises by sale or delivery of alcoholic beverages to persons under the age of 21 in violation of c. 138 § 34, as well as 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result, including a violation of probationary terms set forth at the Board’s November 14, 2016 hearing for a previous alcohol license violation by the license holder, later codified by the Board’s decision of November 28, 2016?

Revocation of the License. Revocation shall be stayed until either the expiration of the statutory appeal period, or should the Licensee appeal the decision to the ABCC, the outcome of such appeal proceedings.

However, the five (5) day suspension held in abeyance for violation of the probationary terms set forth for a prior violation of alcohol laws and regulations shall be served immediately.

Discussion

Sections 12 and 34 of Chapter 138 of the General Laws prohibit sale or delivery of alcoholic beverages to any person under 21 years of age. G.L. c. 138, §§ 12, 34. It is undisputed that on February 28, 2016, two underaged persons were sold alcoholic beverages by the Licensee’s staff on the Licensed Premises. This sale was in violation of

Chapter 138, as well as the regulations of the Alcoholic Beverages Control Commission at 204 C.M.R. 2.05(2).

The LLA has the authority to grant, revoke and suspend licenses. Their powers are authorized “to serve the public need and ... to protect the common good.” G.L. c. 138, §23, as amended through St. 1977, c. 929, §7. “[T]he purpose of discipline is not retribution but the protection of the public.” *Arthurs v. Bd. of Registration in Medicine*, 383 Mass. 299, 317 (1981).

The LLA has adopted a policy governing the sale of alcoholic beverages by package stores. See Alcohol Licenses and Regulations, at Policies, Rules, and Regulations of Alcohol Licenses for Package Stores (revised January 12, 2015) (“Policy”). The Policy provides that a first offense of serving alcohol to an underaged person will presumptively lead to a license suspension of three to five days to commence on the same day of the week as the violation. See Policy at p. 14. However, such presumptive policy does not limit the Board’s discretion to “impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate.” See Policy at p. 14.

In fixing the penalty for sales to underage individuals, the Board may consider the following factors:

- (a) licensee’s policies and procedures and application of those policies and procedures to guard against service to underage individuals;
- (b) severity and type of offense;
- (c) efforts made to identify purchasers of alcohol;
- (d) appearance of the underage purchaser of alcohol;
- (e) quality of the evidence of a violation;
- (f) circumstances of the case; and
- (g) number and nature of licensee’s previous violations.

Id.

Applied to facts before the LLA, it is not disputed by any party that the Licensee violated State Law, ABCC regulations, and the Town's regulations and policies by selling alcohol to underaged persons. The well-documented operation, conducted at dozens of license holding establishments over three days, and in accordance with ABCC and LLA guidelines and policies, manifestly demonstrates a violation for which there is no justification.

By the Owner and Manager's admission, one of the two operatives looked "very young." The only explanation offered by the cashier, Mr. Imanlieve (an 8-year employee of the License Holder), was that the operatives appeared to be repeat customers. There was no attempt whatsoever to check for identification. The operatives did not present, nor were they carrying fraudulent identification. Nonetheless, other testimony by the Owner and Manager, Mr. Kushnirsky, was at best confused, and at worst attempted deflect responsibility for the violation onto the underaged operatives in confounding fashion.

Furthermore, Mr. Kushnirsky outlined no plans whatsoever to alter current policies and practices at the Licensed Premises in response to this violation, or other violations. He testified about training practices, but presented no documentary evidence of such practices. He contended that he turned over confiscated fake IDs to APD routinely, but APD could not corroborate same, and Mr. Kushnirsky acknowledged that he keeps no logs of incidents regarding attempted purchases by underage persons.

In light of the lack of mitigating factors for this specific violation or any new plans to address the concerns raised by the second violation within one calendar year, the

LLA is particularly disturbed by the timeline of violations involving sales of controlled products to underage persons and/or more serious incidents, which is as follows:

- *August 2011*, Mr. Kushnirsky is approved by the LLA the License for the Licensed Premises;
- *January 7, 2013*, the Licensed Premises fails a first Tobacco Compliance Check;
 - *February 3, 2013* Tobacco Sale Suspension Hearing and Order;
- *February 26, 2016*, incident regarding the Owner and Manager's possession of medical marijuana without a medical marijuana ID card on the licensed premises;
 - *November 14, 2016* LLA hearing and November 28, 2016 Decision finding a violation and imposing a suspended 5-day suspension for a 1-year probationary period;
- *February 28, 2017*, the Licensed Premises fails the Alcohol Compliance Check subject to this decision;
- *March 16, 2017*, the Licensed Premises fails a second Tobacco Compliance Check;
 - *April 6, 2017* Tobacco Sale Suspension Hearing and Order.

This timeline of events demonstrates *three (3) incidents* of the sale of either alcohol or tobacco products to underaged persons since 2013, two of which occurred less than one (1) month apart, *in addition to* a serious incident involving possession of a then illicit drug on the premises by the Owner and Manager. The decision placing the Licensed Premises on probation for possession of the illicit substance had been issued only four (4)

months prior to failing the alcohol compliance check which brings the Licensee back before this LLA.

The afore-described pattern of violations and lack of any meaningful assurance that the conditions that allowed for same have or will be addressed offers substantial evidence that the public good is jeopardized by the License Holder's continued operation of Arlington Liquors. In isolation, the violation at issue presents a far different matter for consideration. However, the LLA pauses to emphasize that \$200 in fines, 14-days of suspended cigarette sales, and 5-days of suspended alcohol sales have been meted out to the Licensee since February of 2013, and that the nature of the February 2016 incident has no precedent in recent memory for an establishment that remains in operation.

Based on such facts alone, a three to five day suspension is not sufficient to protect the public good, such measures already clearly having failed to insure future lawful compliance. The unquestionable facts of this most recent violation, its consistency with a pattern of violations, and the lack of a clear or meaningful plan to address it provide the basis needed to make revocation of the license is necessary.

Order

For the reasons stated herein, the above-referenced license is **REVOKED** pending the expiration of the statutory appeal period, or should the Licensee appeal this decision to the ABCC, the outcome of such appeal proceedings. The License Holder shall surrender his license and cease all alcohol sales at such time as his rights to appeal have been exhausted.

The five (5) day suspension held in abeyance for violation of the probationary terms set forth for a prior violation of alcohol laws and regulations shall be served immediately.⁴

Licensee is hereby advised of his right to appeal this decision to the ABCC within five (5) business days of receiving this decision and order.

Dated: July 24, 2017

By:

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Joseph A. Curro, Jr., Chair

Steven M. Byrne, Vice-Chair

Kevin F. Greeley

Diane M. Mahon

Daniel J. Dunn

⁴ Upon information and belief, the License Holder has served the five (5) day suspension (June 23-27, 2017) and reported such service to the Office of the Board of Selectmen in the interim between hearing and adoption of this decision, which satisfies the terms of the LLA's previous determination.

ATTACHMENT "A"



Town of Arlington, Massachusetts
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Board of Health Minutes 02/06/2013

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE BOARD OF HEALTH

27 Maple Street
Arlington, Massachusetts 02476
Christine M. Connolly, MPH, CHO
Town of Arlington
Director of Health and Human Service

Board of Health Meeting Minute
Wednesday, February 6, 2013
Ground Floor Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Michael Fitzpatrick (Chair), Mr. Kenneth Kohlberg
Staff in Attendance: Christine Connolly, Director of Health and Human Services and James Feeney, Health Compliance Officer, Natasha Waden, Lead Health Compliance Officer, Gloria Ojimba, Intern.
Other: Juliana Rice, Town Counsel, DJ Wilson, Tobacco Control Director, Public Health Liaison, Mass Municipal Association; Wesley Chin, Sub-regional tobacco control coordinator for Arlington, Belmont, Brookline, Newton and Watertown; Kimona Cameron, Brookline Health Department.
Public in attendance: Adnan Rahim, Tarsem Singh, Davinder Sharma, Musfiqur Rahman, Sankar Marichany, Ranbir Rai, Dan Ramnes, Jani Fowler
Maureen Stephens, Mike Porcano, Ray Laham, A. Sofia Khouri, Anthony Caliendo, Michael Ellakkis, Alex Kurshnisky

December 12, 2012 meeting minutes were approved with the following edits: In agenda item II: removal of the second reference "to a minor"; in agenda item III: removal of "has become problematic" and replace with "was in violation of the 1999 Food Code"; in sentence 6: "order" change to "ordered".

Mr. Anthony Caliendo, Owner of 20 Belknap, made a request to move his hearing for a variance from the housing code up on the agenda so that he could attend a zoning meeting in the Town of Lexington. Mr. Caliendo stated he would need to leave by 7:00PM. Dr. Fitzpatrick, Chair stated that the Board would proceed with the current layout of the agenda because he was confident that they would be able to get to his request before 7:00PM.

Inspector Waden reported that on January 7, 2013 a tobacco compliance check was conducted by the Health Department, in which a minor was used to attempt to purchase cigarettes at 25 establishments. One establishment was closed at the time of inspection. A total of 11 establishments out of 24 sold cigarettes to said minor. The minor was a 17 year old male and was trained by Health Department staff on tobacco compliance checks in accordance with MDPH Tobacco Control Program guidelines. Said minor purchased a package of Marlboro cigarettes at Little Joe's Convenience Store at 3:47PM. The minor was not asked his age or for identification. Ranbir Rai was present for the hearing and stated that this establishment has not violated in 6 years and that this was a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said

suspension.

On January 7, 2013 at 3:53PM said minor purchased a pack of Marlboro cigarettes at Arlington Liquors. The minor was not asked his age or for identification. Nobody from the establishment was present during the hearing. Dr. Walsh-Condon requested that the Board of Selectmen's Office be notified of the sale to a minor and that additional training be conducted with this establishment, as it is under new ownership. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:00PM said minor purchased a pack of Marlboro cigarettes at Mystic Street Gulf. The minor was not asked his age or for identification. Michael Elakis was present for the hearing and stated that the clerk did not do his job in checking for identification. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:15PM said minor purchased a pack of Marlboro cigarettes at Arlington Shell. The minor was not asked his age or for identification. Ana Sofia Khouri, owner, was present for the hearing and stated that this was the first violation for them, but that clerk had been working at this location for a long time. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:31PM said minor purchased a pack of Marlboro cigarettes at CVS Pharmacy, 833 Mass Ave. The minor was not asked his age or for identification. Jani Fowler, Store Manager, was present for the hearing and stated that all new employees go through training when they are first hired. In accordance with corporate policy, the employee was terminated. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:41PM said minor purchased a pack of Marlboro cigarettes at Symmes Mini Mart. The minor was not asked his age or for identification. Ray Laham was present for the hearing and stated that the clerk used bad judgment, there were two clerks at the time and one thought the other checked for identification. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and the issuance of a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:51PM said minor purchased a pack of Marlboro cigarettes at Walgreens, 324 Mass Ave. The minor was not asked his age or for identification. Mike Porcero, Store Manager, was present for the hearing and stated that all staff has been retrained and the clerk who sold to the minor was disciplined with a final written warning. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and the issuance of a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:58PM said minor purchased a pack of Marlboro cigarettes at Mass Convenience, 245 Mass Ave. The minor was not asked his age or for identification. Davindar Sharma, owner, was present for the hearing and stated that all the tools are in place, the clerk has worked there for over 10 years and he just made a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:06PM said minor purchased a pack of Marlboro cigarettes at Dagg's. The minor was not asked his age or for identification. Musfiqur Rahman was present for the hearing and stated that his father was helping him out and used bad judgment and that it was an honest mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law.

Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:19PM said minor purchased a pack of Marlboro cigarettes at Boyle's Market. The minor was not asked his age or for identification. Tarsem Singh was present for the hearing and stated that the clerk was a new employee who had been trained, but that he made a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:31PM said minor purchased a pack of Marlboro cigarettes at Arlington Gulf. The minor was not asked his age or for identification. Adnan Rahim was present for the hearing and stated that there was confusion between the gas attendant and the mechanic. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

Alex Kurshnisky, owner of Arlington Liquor's, introduced himself at the end of the tobacco hearings. The Board reviewed the disciplinary action that had been voted on for this establishment.

(a) Inspector Waden reviewed the Draft regulations for Restricting the Sale of Tobacco Products and Nicotine Delivery Products in the Town of Arlington. DJ Wilson from Mass Municipal Association was also present to help facilitate the discussion of the regulations. The following areas were discussed in detail: Section A: Statement of Purpose, the Board would like to keep the current language, as it proves the need to implement all aspects of this regulation. Section D: Tobacco and Nicotine Delivery Product Sales Prohibited: The Board would like to increase the age of tobacco sales from 18 to 21. DJ Wilson provided an overview of how the Town of Needham implemented this over a few years. The Board approved the language. The Board would like to include language requiring the establishment to post signage about tobacco cessation. Inspector Waden will present draft language to the Board at the next meeting requiring signage for sales to persons under age 21. SECTION E: TOBACCO AND NICOTINE DELIVERY PRODUCT SALES PERMITS: the fee for a permit will remain at \$500. Furthermore, the Board would like to change the mandatory retailer training to annually, change the number of permits to 19 for capping purposes; and reduce the number of permits to 15 by 2018. SECTION F: CIGAR SALES REGULATED: The Board request that item 2b and 2c be removed SECTION O: VIOLATIONS, when considering cumulative violations the Board would like to review a 36 month violation history as opposed to a 24 month history, continue with fine schedule of \$100, \$200, \$300, remove "a minimum" from item 1c, and add language ("or failure") to item 2 as requested by Town Counsel.

(b) DJ Wilson reviewed the proposed draft regulations Prohibiting Smoking in Workplaces and Public Places. The following areas were discussed in detail: SECTION 4: SMOKING PROHIBITED, DJ Wilson explained that it might be difficult for staff to enforce item (d) as it pertains the prohibition of smoking within 15 feet of an entranceway accessible to the public. The Board tabled this discussion until the next meeting.

The Board agreed to hear agenda item XVI and XVII concerning an update on one property (18 Belknap) and a variance request on another property (20 Belknap) both owned by Mr. Anthony Caliendo. Inspector Feeney provided the Board with an update regarding existing violations concerning 18 Belknap Street that have not been corrected. Feeney first read two letters into the record, one from a group of neighbors revealing their concerns about disruptive tenants and maintenance of the property and the other from Deputy Chief James Bailey regarding the fire alarm system, the front stairwell and the rear fire escape. Mr. Caliendo stated that he has no authority to do anything about the tenants and insists that his building is well maintained. Feeney reviewed with the Board that Mr. Caliendo had requested a hearing at the last meeting to discuss violations pertaining to the fire escape and lack of an automatic door locking mechanism. At that hearing the Board voted to uphold the order to correct that had previously been issued by Inspector Feeney. Mr. Caliendo reported that he would be filing an appeal to the BBRS concerning the automatic lock, and that he was still working on the repairs to the fire escape. Feeney displayed pictures of the repairs that had currently been made to the fire escape, to which the Board deemed unacceptable. Mr. Caliendo stated that he is a licensed contractor and that according to the regulations it is in compliance. The Board requested a recommendation from Feeney concerning the next steps. Feeney recommended that the health department move forward with filing a complaint in court for failure to correct these violations within the allotted time frame. The Board unanimously approved the recommendation.

Inspector Feeney provided the Board with a copy of the Order letter dated January 15, 2013 addressed to property owner Anthony Caliendo. Feeney went on to explain that Mr. Caliendo is requesting a variance from item #3, the installation of

mechanical ventilation in the bathroom that exhausts to the exterior. Occupant Sankar Marichamy was present at the hearing and explained that his daughter has asthma and that the second hand smoke, which he believes is coming from the neighboring unit, entering through his bathroom, makes it difficult for his daughter to breathe. Feeney explained in a memo to the Board that there is no duct work for the fan and it appears that the air being removed from the bathroom is being pushed into the open wall cavity. Mr. Caliendo stated that he has never had any complaints regarding this matter and that because the house is over 100 years old; it is not possible to make the repair. Dr. Fitzpatrick requested that the health department staff contact the building department to conduct an inspection to determine if it would be possible. Director Connolly explained that it would not likely be possible to have the building inspector out at this property. Feeney explained that a professional such as an HVAC person would be able to provide feedback to the owner on how such repairs could be made. Therefore, the Board unanimously voted to deny the variance.

Agenda item XIV: Medical Marijuana. DJ Wilson provided an overview of the status of medical marijuana by stating the following: As of 1/1/13 Mass Department of Public Health has 90 days to write regulations, at this time, it does not look like the first dispensaries will be opening until early fall, Mass Department of Public Health is looking at sample regulations from Maine, Colorado and New Mexico. Juliana Rice, Town Counsel mentioned that there are two warrant articles being proposed before Town meeting, 1. Which will establish zoning requirements for dispensaries' and 2. In the event that regulations are not in place, this would provide a local moratorium on allowing dispensaries to open until the proper regulations are in place.

Inspector Feeney led the discussion of the draft Bodywork regulations, explaining that at this time there are no State model regulations for Bodywork; therefore, best practices from the Towns of Newton and Belmont were taken under consideration when drafting these regulations. Feeney explained that the need for such regulations was discovered during compliance checks that were conducted by a State inspector and a local police officer. During these checks most therapists identified themselves as body workers as opposed to Massage Therapists, as Body Workers are exempt from the state massage law. Dr. Walsh asked about the inclusion of Reiki in these Regulations, and recommended staff reaches out to the school of acupuncture for guidance and assistance. Feeney agreed to reach out to local experts and stakeholders, and to revise according to the Board's comments; he also stated the Regulations were created in an expedited fashion and would be revised for the next meeting.

Juliana Rice, Town Counsel, reported to the Board that a group of High School Students proposed a warrant article for Town Meeting to restrict the use of water bottles less than 1 liter.

Environmental updates were tabled until the next meeting.

Restaurant updates: Feeney reported that Family Injera installed a grease trap, and that Arlington Restaurant and Diner has been working with a consultant. Inspector Waden reported on the following establishments: Barismo moved one door down from their previous location, Napoli Pizza is under new ownership, Wings Over Arlington has opened, Something Sweet Without Wheat has opened. In addition Waden reported that plans for Menotomy Grill and Tavern, Frozland and Sczechuan's Dumpling have been approved. The following establishment did not renew their food permits for 2013: Nana's Market, Jade Garden, Gemma, Foodmaster and Ada-Lula Pastry. Lastly, Whole Foods plans to open in the Foodmaster location by September.

No public comment.

Meeting adjourned at 8:04pm



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Minutes
Wednesday, April 6, 2016
BOH Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Michael Fitzpatrick

Staff in Attendance: Christine Bongiorno, Director, James Feeney, Health Compliance Officer, Natasha Waden, Health Compliance Officer

Others in Attendance: Alex Kushnirsky, Ranbir Rai, Tarsem Singh, Theresa Campbell, Robert Bongiorno, Chris Rozanitis, Jess Lawrence

Recording Secretary: Ivy Laplante, Arlington Youth Health & Safety Coalition Director

Meeting called to order by Dr. Marie Walsh Condon at 5:35 pm.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the February 3, 2016 meeting minutes as amended.

Vote: Motion approved unanimously (3-0)

Hearing: Boyles Market: Tobacco/Nicotine Delivery Product Sales Violation

Mr. James Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Boyles at 9:41am, and purchased a "Blu" e-cigarette (e-cig) from an adult female clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Boyles and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Tarsem Singh, if he would like to speak to the Board and address the violations referenced. Mr. Tarsem Singh stated the female clerk who sold the product has worked at the Medford location for over 1 year, and was called in to work in the Arlington location on March 16. It is to be noted that the city of Medford has regulations restricting the sale of tobacco products to age 18. The adult female clerk, Ms. Theresa Campbell, was present at the meeting and apologized for her mistake.

Dr. Walsh-Condon then asked the manager what his plans were to prevent this from happening in the future. Mr. Tarsem Singh stated he would do better to inform all his workers about the local regulations in each community, and explore establishing a store policy to punish the clerks who violate regulations. Mr. Tarsem Singh stated since the law came into effect in March 2015, there have been no problems at the store. Dr. Walsh-Condon noted Boyles Market has had no prior violations. Dr. Fitzpatrick commented on the price of the device, noting it cost \$10.51 for the e-cig.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Little Joe's Convenience: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Little Joe's Convenience at 9:06am and purchased a "Blu" e-cigarette (e-cig) from an adult male clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Little Joe's and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Ranbir Rai, if he would like to speak to the Board and address the violations referenced. Mr. Rai stated the male clerk made an error, and he has already addressed the issue with the clerk. Mr. Rai noted Little Joe's did have a prior violation in 2007.

Dr. Walsh-Condon then asked the owner what his plans were to prevent this from happening in the future. Mr. Rai stated he would discuss the Town regulations with his clerks again, and was not aware that the clerk who violated the regulation checked the agent's ID. Dr. Walsh-Condon reminded Mr. Rai it is his responsibility as the owner to ensure the clerks know the laws in Town.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Arlington Liquors: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Arlington Liquors at 9:14am and purchased "Marlboro" cigarettes from an adult female clerk who did not

ask the agent for his identification. Mr. Feeney delivered a fine of \$100 to Arlington Liquors and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative (the owner), Mr. Alex Kushnirsky, if he would like to speak to the Board and address the violations referenced. Mr. Kushnirsky stated he was not aware the Town regulations were to prohibit sales under 21, and thought it was only 18+.

Dr. Walsh-Condon then asked the owner what his plans are to prevent this from happening in the future. Mr. Kushnirsky stated he will conduct a new training of staff and check to see if it was an isolated incident. Dr. Fitzpatrick commented with a concern that the owner does not know about Town tobacco regulations. Mr. Kushnirsky informed the Board his manager went to the Tobacco Retailer Training, and he needed to speak to the manager about the new regulations.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Christo's Market: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that on March 16, 2016, during a tobacco compliance check, a 19 year old male agent entered Christo's Market at 9:59am and purchased "Marlboro" cigarettes from an adult male clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Christo's Market and presented a letter to appear at this hearing for their violation of Arlington regulations to prohibit the sale of tobacco to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Chris Rozanitis, if he would like to speak to the Board and address the violations referenced. Mr. Rozanitis stated at the time he sold to the agent, his mother was sick in the hospital and he was not thinking clearly.

Dr. Walsh-Condon then asked the owner what his plans are to prevent this from happening in the future. Mr. Rozanitis promised to be more careful, especially when dealing with young customers.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Keeping of Hens - 18 Brattle St. #1

Mr. Feeney informed the Board of Ms. Jess Lawrence's application to keep hens on her property. He noted the plans as submitted in the application are compliant with the hen keeping bylaw, and comments from abutters were supportive of the application. Mr. Feeney questioned the current location of the coop, and noted, according to Town bylaws, the coop must be 6ft. from the property line. Ms. Lawrence informed the Board she has been unable to determine the exact location of the property line due to the brook. Dr. Walsh-Condon recommended Ms. Lawrence check with other Town departments to determine her exact property line.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the application for keeping of hens with the condition the coop is located 6 feet from the property line.

Vote: Motion Approved Unanimously (3-0)

Hearing: Variance Request: Minimum Standards for Swimming Pools: Float Tonic LLC.

Mr. Feeney informed the Board that Mr. Stephen Tomadakis was ill and was unable to attend the hearing. The Board discussed the history of float tanks and examined other communities' current regulation of these therapeutic pools. Dr. Walsh-Condon reaffirmed the notion that float tanks should not be exempt from the pool code. Dr. Fitzpatrick noted that the Board has previously set new regulations without precedent. Dr. Walsh-Condon reminded the Board this was a discussion only, not a hearing.

Discussion: Regulation Restricting the Sale of Medical Marijuana

Mr. Feeney informed the Board of additional regulations provided for review by Natick. The Board discussed having Mr. Feeney amend the current draft Regulation to include the following: requiring fire extinguishers at home cultivation sites, allowing violations of the State regulation to also be considered violations of the local Regulation, requiring the dispensary to notify the Board of any Department of Public Health visit within 24 hours, signage prohibiting entrance to the dispensary to anyone without a valid Registration Card, and requiring a dispensary to deliver products to those with a verified hardship.

The Board discussed comments made during the public hearing on the draft Regulation at the previous Board of Health meeting. Mr. Kohlberg reminded the Board of the comments made by a resident who believed limiting the supply of marijuana to 30 days could create a hardship for those who will have difficulty accessing the dispensary more frequently. Dr. Walsh-Condon stated the restriction of medical marijuana to a 30-day supply is warranted because prescriptions for controlled substances have historically been limited to 30 days. Dr. Walsh-Condon also noted the requirement for a dispensary to deliver to any patients who are unable to physically access the dispensary.

A comment was made at the public hearing regarding the possibility of disallowing a dispensary from engaging in the future sale of recreational marijuana. Mr. Feeney reminded the Board this Regulation pertained only to the sale of medical marijuana, and they would not be able to disallow an activity that is considered legal.

Mr. Kohlberg suggested the word "medical" be added throughout the Arlington Regulation to alleviate any confusion between medical marijuana regulations and recreational marijuana.

Dr. Walsh-Condon asked how the Board will regulate "edible" medical marijuana products. Mr. Feeney noted that the FDA states marijuana is not a food and therefore cannot be regulated under FDA code, but the Board can still ensure the food preparation is safe and sanitary. Dr. Walsh-Condon suggested the Board adds a provision that references the minimum standards of food preparation when preparing medical marijuana edibles.

Dr. Walsh-Condon noted due to no substantial changes in the Regulation, the next Board meeting on May 18th will be a hearing to adopt the Regulation Restricting the Sale of Medical Marijuana.

Discussion: 2013/2015 FDA Model Food Code

Mrs. Waden informed the Board that Ms. Maureen Lee, a contracted health compliance officer, plans to facilitate the purchase and use of electronic software for Arlington inspections. Mrs. Waden proposed Arlington should adopt the 2013 food code with 2015 addendums, similar to Newton and Cohasset. Mr. Feeney noted Arlington currently enforces the 1999 food code, which does not cover the specialized procedures being used today. Mr. Kohlberg commended Mrs. Waden on her proactive approach to adopting these new regulations.

Discussion: Food Establishment Plan Review Policy

Mrs. Waden discussed formalizing the current policy requiring food establishments that are changing ownership to undergo a plan review. This policy would require new owners to submit plan documents, procedures, menus, operations, etc. to the health compliance officers before officially re-opening establishment.

Environmental Updates

No environmental updates at this time.

Restaurant Updates

Mrs. Waden informed the Board that Fashion Cake Boutique has closed, and the food establishment formerly known as Zocalo will reopen as The Commune Kitchen.

Public Health Nurse Updates

Mrs. Waden informed the Board:

- An 8 year old boy recently passed away. The boy had been diagnosed with influenza but also had underlying medical conditions.
- There has been a flu spike in Arlington - 57 confirmed cases since September 2015.

- Arlington still has state supplied flu vaccine and the Public Health Nurse, Mrs. Kara Katz, has been contacting local physician's offices for distribution.
- 3 confirmed cases of mumps in Arlington.

Public Comment

None

Other:

A Motion was made by Mr. Kohlberg, which was seconded by Dr. Fitzpatrick, to adjourn the meeting at 8:06 pm.

Vote: Motion approved unanimously (3-0)

Meeting was adjourned at 8:06 pm.

ATTACHMENT "B"

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREBBLEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE

TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: Arlington Liquors d/b/a "Alexander Liquors"

Licensed Premises: 94B Summer Street
(Arlington Liquors)

License No.: 003000048

License Type: Package Store License

Expiration Date: December 31, 2016

On November 14, 2016, after proper notice and hearing, the Town of Arlington's Board of Selectmen, in its capacity as local liquor licensing authority ("LLA"), unanimously voted to impose a five (5) day license suspension held in abeyance for a one-year probationary period to end on November 30, 2017. Should this LLA find the license holder in violation of G.L. c. 138, any regulation promulgated by the Alcoholic Beverages Control Commission ("ABCC") or its own regulations, within such a period,

the license shall be immediately suspended for five (5) days in addition to any suspension or other sanction for the new violation.

It is also the expectation of this Board, that the license holder make arrangements to bring the licensed premises into compliance with sign regulations codified in the Town's Zoning Bylaws, and up to the standards expected of license-holders in Arlington generally.

In accordance with G.L. c. 138, § 23, the LLA hereby provides this statement of reasons for its action.

Procedural History. Following a thorough investigation, including interviews, reviews of pertinent local and state records, and further evidence collected, by the Arlington Police Department ("Department"), it was determined that on or about the evening of February 26, 2016, Arlington Liquors staff called the Department for assistance with a medical emergency on the licensed premises – 94B Summer Street, Arlington. APD Patrolman Officer Scott Urquhart along with Sergeant Gregory Flavin responded and rendered aid to the license holder, Mr. Alex Kushnirsky. In the process of rendering such aid, 60 milligrams of edible marijuana was recovered from Mr. Kushnirsky's person. Subsequent investigation confirmed that Mr. Kushnirsky was not then licensed or otherwise permitted to possess medical marijuana under the Commonwealth Medical Use of Marijuana program.

As a duly appointed agent for the LLA, the Department in conjunction with the Arlington Legal Department recommended a hearing to determine if any violations of state or local alcohol laws occurred.

In accordance with G.L. c. 138, § 23(4), the Board convened a hearing on November 14, 2016, at approximately 7:15 p.m. to consider whether or not any violation of c. 138, ABCC regulations or LLA regulations occurred at Arlington Liquors on the evening at issue. The licensee was notified of the hearing by certified letter dated November 2, 2016 and acknowledged receipt of same.

Questions Presented.

- (1) Did a violation of the state liquor law occur on the above-referenced premises by an agent, manager, or employee's possession of marijuana on the license premises under G.L. c. 138 sec. 64 and/or 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result of any such violation?

Evidence.

The following witnesses appeared and testified:

(1) Police Officer Scott Urquhart, Arlington Police Department: summarized investigatory findings of the Department, including information codified in Incident Report No. 16004573 and relevant investigative supplements ("Incident Reports").¹

(2) Alexander Kushnirsky Owner and Manager of Arlington Liquors with Robert Panico, Esq., his counsel provided the Licensee's recitation of events, evidence of mitigating circumstances, as well as a list of remedial actions taken in response to a number of issues raised during the hearing.

Findings of Fact. On the basis of the evidence presented at the November 14, 2016 Hearing described above, the LLA made the following findings of fact:

¹ The License Holder was provided a copy such incident reports in advance of the hearing by the Legal Department.

1. On February 26, 2016, at approximately 9:02 p.m. Sgt. Gregory Flavin and Officer Scott Urquhart were dispatched to 94 Summer Street (Arlington Liquors) to investigate a report of an unconscious person inside the premises. *Incident Report; Urquhart Testimony.*
2. Upon arrival, APD personnel spoke with an Arlington Liquors employee, Roman Ivanov, who led the officers to an office inside Arlington Liquors where owner/manager Alex Kushnirsky was found unresponsive. *Incident Report; Urquhart Testimony.*
3. Arlington Liquors employee Almaz Imamaliyev noted to officers that Mr. Kushnirsky had arrived at Arlington Liquors earlier that evening at approximately 6:30 p.m. and went into his office. *Incident Report; Urquhart Testimony.*
4. Officer Urquhart rendered aid to Mr. Kushnirsky, who was revived and received further assistance from the Arlington Fire Department. *Incident Report; Urquhart Testimony.*
5. However, a check of the immediate area in which officers found Mr. Kushnirsky possessed 60 milligrams of "Kool Ballz" THC Edible Marijuana in his pocket, which was seized and kept in evidence by APD. *Incident Report; Urquhart Testimony.*
6. Mr. Kushnirsky did not deny possessing or consuming marijuana that evening, but denied consuming any other drugs. *Incident Report; Urquhart Testimony; Kushnirsky Testimony.*

7. At the time of the incident in question, Mr. Kushnirsky was not a registered medical use of marijuana patient in the Commonwealth of Massachusetts, but has since obtained a medical use of marijuana card to help manage a chronic condition which has required numerous surgical interventions. *Incident Report; Urquhart Testimony; Kushnirsky Testimony.*
8. The license holder has not had previous alcohol-related violations, but has been penalized for underage tobacco sales previously. Mr. Kushnirsky described remedial actions take to address such violations. *Kushnirsky Testimony.*

Conclusion. On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced premises by an agent, manager, or employee's possession of marijuana on the license premises under G.L. c. 138 sec. 64 and/or 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

A five (5) day license suspension held in abeyance for a one-year probationary period to end on November 30, 2017.

Discussion.

The ABCC and courts have long upheld that illegality on the premises of a licensed establishment may serve as grounds for modification, suspension, or revocation of a liquor license. 204 C.M.R. 2.05(2) states:

No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

To that end, "disorder, disturbance or illegality of any kind" includes the possession of illicit drugs and paraphernalia on licensed premises. See e.g., *Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Commission, et al.*, 19 Mass. App. Ct. 1026, 477 N.E. 2d 174 (1985)(possession of cocaine and drug paraphernalia on licensed premises by an employee sufficient for penalty under 204 CMR 2.05(2)). While the landscape regarding marijuana possession has changed in the Commonwealth, at the time of the incident in question it is beyond dispute that it was unlawful to possess one ounce or less marijuana pursuant to G.L. c. 94C §32L.

In the matter before this Board, it is uncontested that Mr. Kushnirsky, the owner and manager of Arlington Liquors possessed on his person a medical marijuana product without then being a registered medical marijuana cardholder in the Commonwealth. As such, there is no question that an illegality took place on the premises and the terms of Mr. Kushnirsky's license were violated. The Board also found additional cause for concern in previous tobacco sale violations and the general conditions of the licensed premises, which may be in violation of other Arlington rules and regulations with respect to signage and other matters.

The Board appreciates that Mr. Kushnirsky has taken steps to address some of these concerns, and further, that he obtained a personal medical marijuana card to help him manage the medical conditions he represents led to the mistakes he made in possessing marijuana on the premises on the evening in question. We pause however to caution that a medical marijuana card is not a license to override the strictures of 204

C.M.R. 2.05(2), to work in the capacity as a liquor store owner or manager while impaired by marijuana, alcohol, or any other substance. Nonetheless, we credit his testimony that he has taken steps to address his own mistake, and will rectify the appurtenant conditions of concern this Board raised to his attention.

Therefore, considering all of the above-discussed evidence, the LLA chooses to issue a five (5) consecutive day suspension, to be held in abeyance for a one-year period of probation ending on November 30, 2017. Should any violation occur within that period, Arlington Liquors will serve said 5-days beginning on the same day of the week the original violation took place, a Friday.

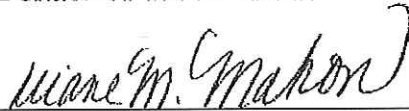
Order. For the reasons stated herein, the above-referenced license is in PROBATION for a period of one year to end on November 30, 2017. Should the licensee violate the terms of its license, c. 138, or any regulation of the ABCC during such period, the license will be SUSPENDED for five (5) consecutive days to commence on a Friday, in addition to further penalties the licensee may face for a future violation.

Licensee is hereby advised of their right to appeal this decision to the ABCC within five (5) business days of receiving this decision and order.

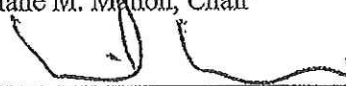
Dated: November 28, 2016

By:

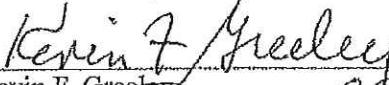
TOWN OF ARLINGTON
BOARD OF SELECTMEN



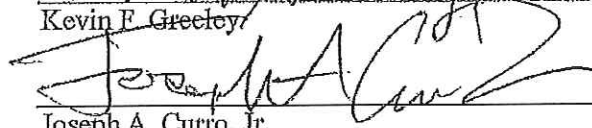
Diane M. Mahon, Chair




Daniel J. Dunn, Vice-Chair



Kevin F. Greeley



Joseph A. Curro, Jr.



Steven M. Byrne

ATTACHMENT "C"

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #
17005217 / 1OFFICER
PORCIELLORANK
INSPREVIEW STATUS
APPROVED**INCIDENT #17005217 DATA**

As Of 02/28/2017 08:04:46

BASIC INFORMATIONCASE TITLE
ALCOHOL COMPLIANCE CHECKSLOCATION
112 MYSTIC STAPT/UNIT #DATE/TIME REPORTED
02/27/2017 18:59:17DATE/TIME OCCURRED
On or about 02/27/2017 18:59INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005217 - 1 / PORCIELLO (INSP)DATE/TIME OF REPORT
02/27/2017 18:59:17TYPE OF REPORT
INCIDENTREVIEW STATUS
APPROVED**NARRATIVE**

On February 27, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. Prior to conducting the checks both operatives were breath tested using the portable breath test. The male blew a 0.00 (test 103) and the female also blew a 0.00 (test 104). The operatives were photographed and provided me with parental releases. They were given a copy of the recommended guidelines for conducting underage sting operations. They both read, understood and signed the recommended guidelines. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau, Ivy Laplant from the Arlington

Youth and Safety Coalition provided us with 100 dollars to conduct the compliance checks. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following are the restaurants/businesses that were closed.

- Noodle Market located at 470-472 Mass Ave.
- Punjab Fine Indian Cuisine located at 485-487 Mass Ave.
- Sabzi located at 352A Mass Ave.
- Commune Kitchen located at 203 A&B Mass Ave.
- Little Q Pot & Szechuan House located at 196 Mass Ave.
- Ristorante Olivio located at 193-201 Mass Ave.
- Sugo Cuicina Italiano located at 164 Mass Ave.
- Arlington Restaurant and Diner located at 134 Mass Ave.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

- At 5:02PM the operatives entered Menotomy Grill and Tavern located at 25 Mass Ave. No alcohol was served.
- At 5:08PM the operatives entered Spy Pond Beer & Wine (Giles Wine and Spirits) located at 137 Mass Ave. no alcohol was sold.
- At 5:11PM the operatives entered Za located at 138 Mass Ave. No alcohol was served.
- At 5:57PM the operatives entered Otto located at 202 Mass Ave. No alcohol was served.
- At 6:21PM the operatives entered Acitron located at 473 Mass Ave. No alcohol was served.
- At 6:28PM the operatives entered Tango located at 464 Mass Ave. No

alcohol was served.

-At 6:31PM the operatives entered Singh Saab Fine Indian located at 444 Mass Ave. No alcohol was served.

-At 6:34PM the operatives entered Shanghai Village located at 434-436 Mass Ave. No alcohol was served.

-At 4:43PM the operatives entered Menotomy Beer and Wine located at 80 Broadway. No alcohol was sold.

-At 4:51PM the operatives entered Fusion Taste located at 303A-305 Broadway. No alcohol was served.

-At 4:53PM the operatives entered the Common Ground located at 319 Broadway. No alcohol was served.

The following is a list of the compliance checks that resulted IN A VIOLATION with a brief description of the violation.

-At 5:19PM the operatives entered Zhu's Garden located at 166 Mass Ave. At 5:25PM the operatives exited Zhu's Garden and returned to our vehicle. The operatives informed us that they were seated inside and had an Asian woman wearing black clothing as a server. The operatives ordered 2 Peak Fresh Cut beers and were served the alcohol. The total cost of the purchase was \$10.70. The operatives provided me with the receipt and the change which amounted to \$9.30. Myself and Detective Sergeant Gallagher entered Zhu's Garden, observed that there were no other customers in the restaurant and spoke to the manager now known to us as Bowei Zhu. Zhu acknowledged the sale and directed me to the server who identified herself as Fanguyan Chen. Chen acknowledged that she had served the two operatives.

-At 5:34PM the operatives entered Duet located at 190 Mass Ave. At 5:41PM the operatives exited Duet and returned to our vehicle. The operatives informed us that they sat at the restaurant's bar and ordered 2 Kronenbourg 1664 beers and were served the alcohol. The total cost of the purchase was \$12.84. The operatives provided me with a receipt and the change which amounted to \$7.16. They reported that the bar tender was a white male who was approximately 6'00" with an average build. The bar tender informed the operatives of upcoming wine tastings. After receiving their receipt they left the restaurant. Myself and Detective Sergeant

Gallagher entered Duet, observed 1 couple seated at a table and 1 man at the bar. We met the manager at the greeting booth and informed her that there had been an alcohol violation and 2 underage operatives were served alcohol at the bar. I was directed to the bar where I met the bar tender who identified himself as Tim Hurlburt. It should be noted that the receipt lists the server as Timothy H. Hurlburt acknowledged the sale to the two operatives. He stated, "I didn't ID them, my fault."

It should be noted that the serves were never witnessed by Inspectors and were reported to us by the operatives.

Once back at the station the 2 receipts from Zhu's Garden and Duet were bagged as evidence together. The evidence bag was then secured in evidence locker 9. The operatives were again breath tested using the portable breath test. The male blew a 0.00 (test 105) and the female also blew a 0.00 (test 106). The operative's property was returned.

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #
17005303 / 1OFFICER
PORCIELLORANK
INSPREVIEW STATUS
APPROVED**INCIDENT #17005303 DATA**

As Of 03/02/2017 08:02:10

BASIC INFORMATIONCASE TITLE
ALCOHOL COMPLIANCE CHECKSLOCATION
112 MYSTIC STAPT/UNIT #DATE/TIME REPORTED
02/28/2017 18:48:30DATE/TIME OCCURRED
On or about 02/28/2017 18:48INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005303 - 1 / PORCIELLO (INSP)DATE/TIME OF REPORT
02/28/2017 18:48:30TYPE OF REPORT
INCIDENTREVIEW STATUS
APPROVED**NARRATIVE**

On February 28, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. Prior to conducting the checks both operatives were breath tested using the portable breath test. The female blew a 0.00 (test 107) and the male also blew a 0.00 (test 108). The operatives were photographed and provided me with parental releases. They were given a copy of the recommended guidelines for conducting underage sting operations. They both read, understood and signed the recommended guidelines. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau. Ivy Laplant from the Arlington

Youth and Safety Coalition provided us with 100 dollars to conduct the compliance checks on the previous evening and the remaining money was used to conduct the compliance checks on today's date. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

-At 4:59PM the operatives entered Sono located at 469 Summer St #3&4. No alcohol was served.

-At 5:32PM the operatives entered Scutra located at 92 Summer St. No alcohol was served.

-At 5:08PM the operatives entered Not Your Average Joes located at 645 Mass Ave. No alcohol was served.

-At 5:15PM the operatives entered Thai Moon located at 663 Mass Ave. No alcohol was served.

-At 5:17PM the operatives entered Pasha Mediterranean located at 669A Mass Ave. No alcohol was served.

-At 5:20PM the operatives entered Tryst located at 689 Mass Ave. No alcohol was served.

-At 5:25PM the operatives entered Mr. Sushi located at 693 Mass Ave. No alcohol was served.

-At 5:53PM the operatives entered Toraya located at 890 Mass Ave. No alcohol was served.

-At 6:00PM the operatives entered the Mystic Wine Shoppe located at 901 Mass Ave. No alcohol was sold.

-At 6:06PM the operatives entered Jimmy's Steer House located at 1111 Mass Ave. No alcohol was served.

-At 6:13PM the operatives entered Szechuan's Dumpling located at 1360 Mass Ave. No alcohol was served.

-At 6:18PM the operatives entered Thai E-Sarn located at 1377-1381 Mass Ave. No alcohol was served.

-At 6:35PM the operatives entered Nina Trattoria & Pizzeria located at 1510 Mass Ave. No alcohol was served. It should be noted that this restaurant has not begun selling beer and wine.

The following is a list of the compliance checks that resulted IN A VIOLATION with a brief description of the violation.

-At 4:48PM the operatives entered Arlington Liquors located at 94 Summer St. At 4:50PM the operatives exited Arlington Liquors and returned to our vehicle carrying a six pack of 12 ounce Bud Light cans. The operatives informed us that the cashier sold them the six pack while failing to ask for identification. The operatives provided us with the sales receipt which documented that their purchase of the six pack amounted to \$7.00. The operatives returned the \$13.00 in change. They described the cashier as being a male with dark hair and having a tanned complexion. I entered Arlington Liquors and spoke to the cashier who identified himself as Almaz Imanlieve. I identified myself as an Arlington Police Detective and informed him that he sold a six pack to 2 underage operatives. Almaz acknowledged the sale and reported that he thought he had seen them in the business in the past.

-At 6:21PM the operatives entered Prime, Your Local Butcher located at 1398 Mass Ave. At 6:23 the operatives exited Prime, Your Local Butcher carrying a six pack of 12 ounce Heineken bottles. The operatives informed us that the cashier sold them the six pack while failing to ask for identification. The operatives provided us with a sales receipt which documented that their purchase of the six pack amounted to \$10.99. The operatives returned the \$9.01 in change. The cashier was described as a white male in his twenties with curly brown hair. As we were seated in the car an employee exited the business carrying trash. The operatives identified the employee as being the cashier who sold them the six pack. I then entered the business and spoke to the manager now known to me as Scott Carta. I identified myself as an Arlington Police Detective and informed Carta that a violation had occurred. I then directed Carta's attention to an employee who had been identified by the operatives as selling the six pack. Carta reported that the employee's name is James Cerone. We were able to speak to Cerone who acknowledged selling the six pack of Heineken without asking for identification.

It should be noted that the serves were never witnessed by Inspectors and were reported to us by the operatives.

Once back at the station 2 receipts from Arlington Liquors and Prime, Your Local Butcher were bagged as evidence together. The Bud Light six pack (12 oz cans) and the Heineken six pack (12 oz bottles) were tagged as evidence separately. The evidence bag containing the receipts and the 2 tagged six packs were then secured in evidence locker 3. The operatives were again breath tested using the portable breath test. The female blew a 0.00 (test 109) and the male also blew a 0.00 (test 110). The operative's property was returned. It should be noted that the tagged evidence indicates that the evidence was placed in locker 7. However, locker 7 was not operating correctly and the evidence was then placed in locker 3.

The remaining \$58.47 will be returned to Ivy Laplant.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #
17005303 / 2

OFFICER
PORCIELLO

RANK
INSP

REVIEW STATUS
APPROVED

INCIDENT #17005303 DATA

As Of 03/02/2017 08:02:10

BASIC INFORMATION
CASE TITLE
ALCOHOL COMPLIANCE CHECKS

LOCATION
112 MYSTIC ST

APT/UNIT #
DATE/TIME REPORTED
02/28/2017 18:48:30

DATE/TIME OCCURRED
On or about 02/28/2017 18:48

INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005303 - 2 / PORCIELLO (INSP)
DATE/TIME OF REPORT
02/28/2017 18:48:30

TYPE OF REPORT
SUPPLEMENT

REVIEW STATUS
APPROVED
NARRATIVE

On March 1, 2017 at approximately 15:10 hours, the Bud Light and Heineken six packs were removed from evidence, photographed and disposed of. The photographs have been attached to this report.

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #
17006003 / 1OFFICER
PORCIELLORANK
INSPREVIEW STATUS
APPROVED**INCIDENT #17006003 DATA**

As Of 03/09/2017 07:52:57

BASIC INFORMATIONCASE TITLE
ALCOHOL COMPLIANCE CHECKSLOCATION
112 MYSTIC STAPT/UNIT #DATE/TIME REPORTED
03/08/2017 18:02:16DATE/TIME OCCURRED
On or about 03/08/2017 18:02INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17006003 - 1 / PORCIELLO (INSP)DATE/TIME OF REPORT
03/08/2017 18:02:16TYPE OF REPORT
INCIDENTREVIEW STATUS
APPROVED**NARRATIVE**

On March 8, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. The operatives were the same that were used in alcohol compliance checks assigned to incident numbers 17005217 and 17005303. Prior to conducting the checks both operatives were breath tested using the portable breath test. The female blew a 0.00 (test 111) and the male also blew a 0.00 (test 112). The operatives were then photographed. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau. Ivy Laplante of the Arlington Youth and Safety Coalition had previously supplied us with money for past

compliance checks. The remaining \$58.47 was used on today's date. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

-At 4:28PM the operatives entered the Commune Kitchen located at 203 A&B Broadway. No alcohol was served.

-At 4:43PM the operatives entered Sugo Cucina Italiana located at 164 Mass Ave. No alcohol was served.

-At 5:07PM the operatives entered Little Q Pot-Szechuan House located at 196 Mass Ave. No alcohol was served.

-At 5:12PM the operatives entered Ristorante Olivia located at 193-201 Mass Ave. No alcohol was served.

-At 5:15PM the operatives entered The Capital Theatre located at 204 Mass Ave. No alcohol was served.

-At 5:48PM the operatives entered Sabzi located at 352A Mass Ave. No alcohol was served.

Once back at the station the operatives were again breath tested using the portable breath test. The female blew a 0.00 (test 113) and the male also blew a 0.00 (test 114). The operative's property was returned.

The remaining \$58.47 will be returned to Ivy Laplante.

[BoS LETTERHEAD]

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: Arlington Liquors d/b/a "Alexander Liquors"

Licensed Premises: 94B Summer Street
(Arlington Liquors)

License No.: 003000048

License Type: Package Store License

Expiration Date: December 31, 2017

Summary of Findings and Decision

On June 19, 2017, after proper notice and hearing, the Town of Arlington's Board of Selectmen, in its capacity as a local liquor licensing authority ("LLA"), voted to revoke Arlington Liquors' (a/k/a "Alexander Liquors") license. The LLA's decision is based upon the number and severity of alcohol and related violations within a short period of time, the most recent of which occurred while the license holder was on probation for a previous violation, as well as the license holder's manifest lack of any plan or measures to address issues which have apparently led to multiple sales of tobacco and alcohol to underage persons and other illegalities on the premises. This body is well aware of the severity of this penalty, but found little basis in the License Holder's

testimony at hearing to allay its numerous concerns about the safe and effective management and exercise of the business and license at issue in the interests of the public good.

Procedural History

The Arlington Police Department ("Department"), as the duly appointed agent for the LLA, conducted annual alcohol compliance checks (a description of which is provided below) on February 27, 28, and March 8, 2017. The Department later notified the LLA of the results of those operations, advising the LLA of those licensees which failed the compliance check, including "Arlington Liquors." In accordance with G.L. c. 138, § 23(4), the Board scheduled a hearing on June 5, 2017, at approximately 7:15 p.m. to examine the alleged violations and consider whether or not any violation of c. 138, ABCC regulations, or LLA regulations occurred. The Licensee was notified of the hearing by certified letter dated May 15, 2017 and acknowledged receipt of same. The hearing was subsequently postponed until June 19, 2017, and licensee was notified accordingly.

Questions Presented for Hearing

- (1) Did a violation of the state liquor law occur on the above-referenced premises by sale or delivery of alcoholic beverages to persons under the age of 21 in violation of c. 138 § 34, as well as 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result, including a violation of probationary terms set forth at the Board's November 14, 2016 hearing for an alcohol license violation by the license holder, approved and codified by the Board's decision of November 28, 2016?

License History & Prior Violations

The LLA approved the transfer of the “all alcohol package store” license at issue to “Arlington Liquors d/b/a Alexander Liquors” and its owner and manager Mr. Alexander Kushnirsky by a 4-0 vote on August 22, 2011. Since that time, Arlington Liquors has been twice failed tobacco compliance checks, wherein cigarettes were sold to persons under the age of 21, in violation of the Arlington’s Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products. Most recently, Arlington Liquors failed a tobacco compliance check on March 16, 2016; and the Arlington Board Health subsequently voted to issue a \$100 fine and suspend tobacco sales at Arlington Liquors for seven (7) days on or about April 6, 2016.¹ See Board of Health Minutes & Decisions annexed hereto as Attachment “A.” Arlington Liquors had previously failed the same type of tobacco compliance check on January 7, 2013, resulting in a February 3, 2013 fine and suspension of the same magnitude. See Attachment “A.”

Moreover, on November 14, 2016 the Board of Selectmen, in its capacity as the LLA, determined that Arlington Liquors had violated the terms of its license and 204 C.M.R. 2.05(2), when its manager and owner (Mr. Kushnirsky) was found unresponsive and in possession of medical marijuana without a medical marijuana ID card (a then illicit substance), while also on the premises of his package store on or about February 26, 2016. Based upon the evidence and testimony regarding the February 26, 2016 incident, the LLA issued a five (5) day license suspension held in abeyance for a one-year

¹ It bears noting that according to Board of Health minutes of its April 6, 2016 Hearing, Mr. Kushnirsky represented that he was unaware that the legal age required for sale of tobacco in Arlington is 21 years old.

probationary period to end on November 30, 2017.² See, November 28, 2016 LLA Decision Re: Arlington Liquors, annexed hereto as Attachment "B."

Evidence Presented

The following documents were accepted and made part of the record:

- (A) Arlington Police Department Reports Nos. 17005217 (February 27, 2017), 17005303 (February 28, 2017), and 17006003 (March 8, 2017)(hereinafter "Incident Reports," and annexed hereto as Attachment "C").

The following witnesses appeared and testified:³

- (1) Arlington Police Department Inspector Stephen Porciello: summarized the annual alcohol compliance check operation and investigatory findings of the Department, especially information codified in Incident Report No. 17005303, which recorded the details of Arlington Liquors' compliance check failure; and
- (2) Alexander Kushnirsky, Owner and Manager of Arlington Liquors: provided the Licensee's recitation of events, information on his business practices regarding checking identification, and referenced physical evidence not presented to the LLA (video recordings allegedly capturing the sale of alcohol to compliance check operatives).

² Given the findings of the June 18, 2017 Hearing in this matter, Arlington Liquors was noticed and did serve a five (5) day consecutive license suspension on or about June 23-27, 2017 in satisfaction of this Board's prior decision.

³ A true and accurate recording of the entirety of the proceeding including Inspector Porciello and Mr. Kushnirsky's testimony is available on demand at: <http://acmi.tv/videos/selectmen-meeting-june-19-2017/>. A transcript of such proceedings is also available upon request.

Findings of Fact

On the basis of the evidence presented at the June 19, 2017 Hearing described above, and other judicially noticeable information, the LLA made the following findings of fact:

1. On February 28, 2017, at approximately 4:48 p.m., Arlington Police Department, through Inspectors Stephen Porciello and Detective Sergeant Bryan Gallagher, conducted annual alcohol compliance checks on thirteen (13) of the Town's restaurants licensed to sell alcoholic beverages for consumption on the premises under G.L. c. 138, § 12, and two (2) of the Town's licensed package stores under G.L. c. 138 § 15. Previous compliance checks had been conducted for other restaurant, theater, and package store license holders on February 27, 2017, and subsequent checks were conducted on March 8, 2017. *Porciello Testimony; Incident Report.*
2. The compliance check was conducted in similar fashion to previous checks conducted in Arlington, and in accordance with the Compliance Check Guidelines of the Alcoholic Beverages Control Commission. Operatives are advised to make straight-forward orders for the purchase of alcohol and did not attempt to use fraudulent identification. *Porciello Testimony; Incident Report.*
3. As part of this compliance check, two underaged (teenage) operatives were sent into each establishment with no identification on the date in question. The operatives attempted to purchase alcoholic beverages in

each establishment. At the Licensed Premises on February 28, 2017, the two operatives purchased one (1) six-pack of Bud Light cans from a cashier later self-identified as Almaz Imanlieve to APD. The operatives paid for the six-pack and received change along with a receipt. The operatives left the package store to return immediately thereafter with the APD personnel and notify Arlington Liquors of the violation. *Porciello Testimony; Incident Report.*

4. Mr. Iamnlieve acknowledged the sale, but believed he had seen the operatives "in the business in the past." *Incident Report.*
5. These operatives are, in the opinion of Inspector Porciello, underage in physical appearance. *Porciello Testimony.*
6. The Licensed Premises has been operated by the present license holder since August of 2011. It has not previously failed an alcohol compliance check. The Licensed Premises was previously determined to have violated state and local alcohol regulations at a November 14, 2016 hearing of the LLA, when the owner and manager of the Licensed Premises was found to have been in illegal possession of medical marijuana without a authorized patient identification card on or about February 26, 2016. Moreover, the Licensed Premises has a record of at least two (2) prior violations of tobacco sales laws and regulations (including one in the last year), having similarly sold cigarettes to persons under the legal age for purchase without checking identification in

compliance checks conducted by the Town Health and Human Services Department. *See Attachments "A," and "B."*

7. The Licensee did not dispute Inspector Porciello's basic facts and conclusions, or that the violation set forth in the Incident Report occurred.

Kushnirsky Testimony.

8. The Licensee reported that his employee, Mr. Imanlieve, has worked for him in a similar capacity for approximately eight (8) years. *Kushnirsky*

Testimony.

9. Mr. Kushnirsky admitted that the female operative looked "very young," but believed the male operative looked older because he was bald.

Kushnirsky Testimony.

10. Mr. Kushnirsky asserted that he takes underage service very seriously, continuously trains his employees in checking for identification, that they

are "on top" of identification checks, and that his employees provide APD with confiscated fake IDs. *Kushnirsky Testimony.*

11. However, APD did not corroborate receipt of fake IDs on a routine basis from the Licensee, if at all; and Mr. Kushnirsky acknowledged that the

Licensee does not keep logs of underage customer incidents. *Porciello Testimony; Kushnirsky Testimony.*

12. Furthermore, Mr. Kushnirsky suggested that underage service would not occur if the Town of Arlington's or larger community's alcohol policies

were different. *Kushnirsky Testimony.*

13. Moreover, Mr. Kushnirsky expressed his view that this is an "isolated incident," but did not outline any plans to change policy or practices at the Licensed Premises. *Kushnirsky Testimony*.

Conclusion

On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced premises by sale or delivery of alcoholic beverages to persons under the age of 21 in violation of c. 138 § 34, as well as 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result, including a violation of probationary terms set forth at the Board's November 14, 2016 hearing for a previous alcohol license violation by the license holder, later codified by the Board's decision of November 28, 2016?

Revocation of the License. Revocation shall be stayed until either the expiration of the statutory appeal period, or should the Licensee appeal the decision to the ABCC, the outcome of such appeal proceedings.

However, the five (5) day suspension held in abeyance for violation of the probationary terms set forth for a prior violation of alcohol laws and regulations shall be served immediately.

Discussion

Sections 12 and 34 of Chapter 138 of the General Laws prohibit sale or delivery of alcoholic beverages to any person under 21 years of age. G.L. c. 138, §§ 12, 34. It is undisputed that on February 28, 2016, two underaged persons were sold alcoholic beverages by the Licensee's staff on the Licensed Premises. This sale was in violation of

Chapter 138, as well as the regulations of the Alcoholic Beverages Control Commission at 204 C.M.R. 2.05(2).

The LLA has the authority to grant, revoke and suspend licenses. Their powers are authorized “to serve the public need and ... to protect the common good.” G.L. c. 138, §23, as amended through St. 1977, c. 929, §7. “[T]he purpose of discipline is not retribution but the protection of the public.” *Arthurs v. Bd. of Registration in Medicine*, 383 Mass. 299, 317 (1981).

The LLA has adopted a policy governing the sale of alcoholic beverages by package stores. See Alcohol Licenses and Regulations, at Policies, Rules, and Regulations of Alcohol Licenses for Package Stores (revised January 12, 2015) (“Policy”). The Policy provides that a first offense of serving alcohol to an underaged person will presumptively lead to a license suspension of three to five days to commence on the same day of the week as the violation. See Policy at p. 14. However, such presumptive policy does not limit the Board’s discretion to “impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate.” See Policy at p. 14.

In fixing the penalty for sales to underage individuals, the Board may consider the following factors:

- (a) licensee’s policies and procedures and application of those policies and procedures to guard against service to underage individuals;
- (b) severity and type of offense;
- (c) efforts made to identify purchasers of alcohol;
- (d) appearance of the underage purchaser of alcohol;
- (e) quality of the evidence of a violation;
- (f) circumstances of the case; and
- (g) number and nature of licensee’s previous violations.

Id.

Applied to facts before the LLA, it is not disputed by any party that the Licensee violated State Law, ABCC regulations, and the Town's regulations and policies by selling alcohol to underaged persons. The well-documented operation, conducted at dozens of license holding establishments over three days, and in accordance with ABCC and LLA guidelines and policies, manifestly demonstrates a violation for which there is no justification.

By the Owner and Manager's admission, one of the two operatives looked "very young." The only explanation offered by the cashier, Mr. Imanlieve (an 8-year employee of the License Holder), was that the operatives appeared to be repeat customers. There was no attempt whatsoever to check for identification. The operatives did not present, nor were they carrying fraudulent identification. Nonetheless, other testimony by the Owner and Manager, Mr. Kushnirsky, was at best confused, and at worst attempted deflect responsibility for the violation onto the underaged operatives in confounding fashion.

Furthermore, Mr. Kushnirsky outlined no plans whatsoever to alter current policies and practices at the Licensed Premises in response to this violation, or other violations. He testified about training practices, but presented no documentary evidence of such practices. He contended that he turned over confiscated fake IDs to APD routinely, but APD could not corroborate same, and Mr. Kushnirsky acknowledged that he keeps no logs of incidents regarding attempted purchases by underage persons.

In light of the lack of mitigating factors for this specific violation or any new plans to address the concerns raised by the second violation within one calendar year, the

LLA is particularly disturbed by the timeline of violations involving sales of controlled products to underage persons and/or more serious incidents, which is as follows:

- *August 2011*, Mr. Kushnirsky is approved by the LLA the License for the Licensed Premises;
- *January 7, 2013*, the Licensed Premises fails a first Tobacco Compliance Check;
 - *February 3, 2013* Tobacco Sale Suspension Hearing and Order;
- *February 26, 2016*, incident regarding the Owner and Manager's possession of medical marijuana without a medical marijuana ID card on the licensed premises;
 - *November 14, 2016* LLA hearing and November 28, 2016 Decision finding a violation and imposing a suspended 5-day suspension for a 1-year probationary period;
- *February 28, 2017*, the Licensed Premises fails the Alcohol Compliance Check subject to this decision;
- *March 16, 2017*, the Licensed Premises fails a second Tobacco Compliance Check;
 - *April 6, 2017* Tobacco Sale Suspension Hearing and Order.

This timeline of events demonstrates *three (3) incidents* of the sale of either alcohol or tobacco products to underaged persons since 2013, two of which occurred less than one (1) month apart, *in addition to* a serious incident involving possession of a then illicit drug on the premises by the Owner and Manager. The decision placing the Licensed Premises on probation for possession of the illicit substance had been issued only four (4)

months prior to failing the alcohol compliance check which brings the Licensee back before this LLA.

The afore-described pattern of violations and lack of any meaningful assurance that the conditions that allowed for same have or will be addressed offers substantial evidence that the public good is jeopardized by the License Holder's continued operation of Arlington Liquors. In isolation, the violation at issue presents a far different matter for consideration. However, the LLA pauses to emphasize that \$200 in fines, 14-days of suspended cigarette sales, and 5-days of suspended alcohol sales have been meted out to the Licensee since February of 2013, and that the nature of the February 2016 incident has no precedent in recent memory for an establishment that remains in operation.

Based on such facts alone, a three to five day suspension is not sufficient to protect the public good, such measures already clearly having failed to insure future lawful compliance. The unquestionable facts of this most recent violation, its consistency with a pattern of violations, and the lack of a clear or meaningful plan to address it provide the basis needed to make revocation of the license is necessary.

Order

For the reasons stated herein, the above-referenced license is **REVOKED** pending the expiration of the statutory appeal period, or should the Licensee appeal this decision to the ABCC, the outcome of such appeal proceedings. The License Holder shall surrender his license and cease all alcohol sales at such time as his rights to appeal have been exhausted.

The five (5) day suspension held in abeyance for violation of the probationary terms set forth for a prior violation of alcohol laws and regulations shall be served immediately.⁴

Licensee is hereby advised of his right to appeal this decision to the ABCC within five (5) business days of receiving this decision and order.

Dated: July __, 2017

By:

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Joseph A. Curro, Jr., Chair

Diane M. Mahon, Vice-Chair

Kevin F. Greeley

Daniel J. Dunn

Steven M. Byrne

⁴ Upon information and belief, the License Holder has served the five (5) day suspension (June 23-27, 2017) and reported such service to the Office of the Board of Selectmen in the interim between hearing and adoption of this decision, which satisfies the terms of the LLA's previous determination.

ATTACHMENT "A"



Town of Arlington, Massachusetts
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Board of Health Minutes 02/06/2013

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE BOARD OF HEALTH

27 Maple Street
Arlington, Massachusetts 02476
Christine M. Connolly, MPH, CHO
Town of Arlington
Director of Health and Human Service

Board of Health Meeting Minute
Wednesday, February 6, 2013
Ground Floor Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Dr. Michael Fitzpatrick (Chair), Mr. Kenneth Kohlberg
Staff in Attendance: Christine Connolly, Director of Health and Human Services and James Feeney, Health Compliance Officer, Natasha Waden, Lead Health Compliance Officer, Gloria Ojimba, Intern.
Other: Juliana Rice, Town Counsel, DJ Wilson, Tobacco Control Director, Public Health Liaison, Mass Municipal Association; Wesley Chin, Sub-regional tobacco control coordinator for Arlington, Belmont, Brookline, Newton and Watertown; Kimona Cameron, Brookline Health Department.
Public in attendance: Adnan Rahim, Tarsem Singh, Davinder Sharma, Musfiquir Rahman, Sankar Marichany, Ranbir Rai, Dan Ramnes, Jani Fowler
Maureen Stephens, Mike Porcano, Ray Laham, A. Sofia Khouri, Anthony Caliendo, Michael Ellakkis, Alex Kurshnisky

December 12, 2012 meeting minutes were approved with the following edits: In agenda item II: removal of the second reference "to a minor"; in agenda item III: removal of "has become problematic" and replace with "was in violation of the 1999 Food Code", in sentence 6: "order" change to "ordered".

Mr. Anthony Caliendo, Owner of 20 Belknap, made a request to move his hearing for a variance from the housing code up on the agenda so that he could attend a zoning meeting in the Town of Lexington. Mr. Caliendo stated he would need to leave by 7:00PM. Dr. Fitzpatrick, Chair stated that the Board would proceed with the current layout of the agenda because he was confident that they would be able to get to his request before 7:00PM.

Inspector Waden reported that on January 7, 2013 a tobacco compliance check was conducted by the Health Department, in which a minor was used to attempt to purchase cigarettes at 25 establishments. One establishment was closed at the time of inspection. A total of 11 establishments out of 24 sold cigarettes to said minor. The minor was a 17 year old male and was trained by Health Department staff on tobacco compliance checks in accordance with MDPH Tobacco Control Program guidelines. Said minor purchased a package of Marlboro cigarettes at Little Joe's Convenience Store at 3:47PM. The minor was not asked his age or for identification. Ranbir Rai was present for the hearing and stated that this establishment has not violated in 6 years and that this was a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said

suspension.

On January 7, 2013 at 3:53PM said minor purchased a pack of Marlboro cigarettes at Arlington Liquors. The minor was not asked his age or for identification. Nobody from the establishment was present during the hearing. Dr. Walsh-Condon requested that the Board of Selectmen's Office be notified of the sale to a minor and that additional training be conducted with this establishment, as it is under new ownership. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:00PM said minor purchased a pack of Marlboro cigarettes at Mystic Street Gulf. The minor was not asked his age or for identification. Michael Elakis was present for the hearing and stated that the clerk did not do his job in checking for identification. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:15PM said minor purchased a pack of Marlboro cigarettes at Arlington Shell. The minor was not asked his age or for identification. Ana Sofia Khouri, owner, was present for the hearing and stated that this was the first violation for them, but that clerk had been working at this location for a long time. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:31PM said minor purchased a pack of Marlboro cigarettes at CVS Pharmacy, 833 Mass Ave. The minor was not asked his age or for identification. Jani Fowler, Store Manager, was present for the hearing and stated that all new employees go through training when they are first hired. In accordance with corporate policy, the employee was terminated. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:41PM said minor purchased a pack of Marlboro cigarettes at Symmes Mini Mart. The minor was not asked his age or for identification. Ray Laham was present for the hearing and stated that the clerk used bad judgment, there were two clerks at the time and one thought the other checked for identification. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and the issuance of a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:51PM said minor purchased a pack of Marlboro cigarettes at Walgreens, 324 Mass Ave. The minor was not asked his age or for identification. Mike Porcaro, Store Manager, was present for the hearing and stated that all staff has been retrained and the clerk who sold to the minor was disciplined with a final written warning. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and the issuance of a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 4:58PM said minor purchased a pack of Marlboro cigarettes at Mass Convenience, 245 Mass Ave. The minor was not asked his age or for identification. Davindar Sharma, owner, was present for the hearing and stated that all the tools are in place, the clerk has worked there for over 10 years and he just made a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:06PM said minor purchased a pack of Marlboro cigarettes at Dagg's. The minor was not asked his age or for identification. Musfiqur Rahman was present for the hearing and stated that his father was helping him out and used bad judgment and that it was an honest mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law.

Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:19PM said minor purchased a pack of Marlboro cigarettes at Boyle's Market. The minor was not asked his age or for identification. Tarsem Singh was present for the hearing and stated that the clerk was a new employee who had been trained, but that he made a mistake. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

On January 7, 2013 at 5:31PM said minor purchased a pack of Marlboro cigarettes at Arlington Gulf. The minor was not asked his age or for identification. Adnan Rahim was present for the hearing and stated that there was confusion between the gas attendant and the mechanic. The Board unanimously voted to suspend the tobacco permit for 7 days in accordance with Arlington's Tobacco Control Regulations and issue a \$100 fine in accordance with Mass State Law. Health Department staff will contact the establishment to determine the implementation date of said suspension.

Alex Kurshnisky, owner of Arlington Liquor's, introduced himself at the end of the tobacco hearings. The Board reviewed the disciplinary action that had been voted on for this establishment.

(a) Inspector Waden reviewed the Draft regulations for Restricting the Sale of Tobacco Products and Nicotine Delivery Products in the Town of Arlington. DJ Wilson from Mass Municipal Association was also present to help facilitate the discussion of the regulations. The following areas were discussed in detail: Section A: Statement of Purpose, the Board would like to keep the current language, as it proves the need to implement all aspects of this regulation. Section D: Tobacco and Nicotine Delivery Product Sales Prohibited: The Board would like to increase the age of tobacco sales from 18 to 21. DJ Wilson provided an overview of how the Town of Needham implemented this over a few years. The Board approved the language. The Board would like to include language requiring the establishment to post signage about tobacco cessation. Inspector Waden will present draft language to the Board at the next meeting requiring signage for sales to persons under age 21. SECTION E: TOBACCO AND NICOTINE DELIVERY PRODUCT SALES PERMITS: the fee for a permit will remain at \$500. Furthermore, the Board would like to change the mandatory retailer training to annually, change the number of permits to 19 for capping purposes; and reduce the number of permits to 15 by 2018. SECTION F: CIGAR SALES REGULATED: The Board request that item 2b and 2c be removed SECTION O: VIOLATIONS, when considering cumulative violations the Board would like to review a 36 month violation history as opposed to a 24 month history, continue with fine schedule of \$100, \$200, \$300, remove "a minimum" from item 1c, and add language ("or failure") to item 2 as requested by Town Counsel.

(b) DJ Wilson reviewed the proposed draft regulations Prohibiting Smoking in Workplaces and Public Places. The following areas were discussed in detail: SECTION 4: SMOKING PROHIBITED, DJ Wilson explained that it might be difficult for staff to enforce item (d) as it pertains the prohibition of smoking within 15 feet of an entranceway accessible to the public. The Board tabled this discussion until the next meeting.

The Board agreed to hear agenda item XVI and XVII concerning an update on one property (18 Belknap) and a variance request on another property (20 Belknap) both owned by Mr. Anthony Caliendo. Inspector Feeney provided the Board with an update regarding existing violations concerning 18 Belknap Street that have not been corrected. Feeney first read two letters into the record, one from a group of neighbors revealing their concerns about disruptive tenants and maintenance of the property and the other from Deputy Chief James Bailey regarding the fire alarm system, the front stairwell and the rear fire escape. Mr. Caliendo stated that he has no authority to do anything about the tenants and insists that his building is well maintained. Feeney reviewed with the Board that Mr. Caliendo had requested a hearing at the last meeting to discuss violations pertaining to the fire escape and lack of an automatic door locking mechanism. At that hearing the Board voted to uphold the order to correct that had previously been issued by Inspector Feeney. Mr. Caliendo reported that he would be filing an appeal to the BBRs concerning the automatic lock, and that he was still working on the repairs to the fire escape. Feeney displayed pictures of the repairs that had currently been made to the fire escape, to which the Board deemed unacceptable. Mr. Caliendo stated that he is a licensed contractor and that according to the regulations it is in compliance. The Board requested a recommendation from Feeney concerning the next steps. Feeney recommended that the health department move forward with filing a complaint in court for failure to correct these violations within the allotted time frame. The Board unanimously approved the recommendation.

Inspector Feeney provided the Board with a copy of the Order letter dated January 15, 2013 addressed to property owner Anthony Caliendo. Feeney went on to explain that Mr. Caliendo is requesting a variance from item #3, the installation of

mechanical ventilation in the bathroom that exhausts to the exterior. Occupant Sankar Marichamy was present at the hearing and explained that his daughter has asthma and that the second hand smoke, which he believes is coming from the neighboring unit, entering through his bathroom, makes it difficult for his daughter to breathe. Feeney explained in a memo to the Board that there is no duct work for the fan and it appears that the air being removed from the bathroom is being pushed into the open wall cavity. Mr. Caliendo stated that he has never had any complaints regarding this matter and that because the house is over 100 years old; it is not possible to make the repair. Dr. Fitzpatrick requested that the health department staff contact the building department to conduct an inspection to determine if it would be possible. Director Connolly explained that it would not likely be possible to have the building inspector out at this property. Feeney explained that a professional such as an HVAC person would be able to provide feedback to the owner on how such repairs could be made. Therefore, the Board unanimously voted to deny the variance.

Agenda item XIV: Medical Marijuana. DJ Wilson provided an overview of the status of medical marijuana by stating the following: As of 1/1/13 Mass Department of Public Health has 90 days to write regulations, at this time, it does not look like the first dispensaries will be opening until early fall, Mass Department of Public Health is looking at sample regulations from Maine, Colorado and New Mexico. Juliana Rice, Town Counsel mentioned that there are two warrant articles being proposed before Town meeting. 1. Which will establish zoning requirements for dispensaries' and 2. In the event that regulations are not in place, this would provide a local moratorium on allowing dispensaries to open until the proper regulations are in place.

Inspector Feeney led the discussion of the draft Bodywork regulations, explaining that at this time there are no State model regulations for Bodywork; therefore, best practices from the Towns of Newton and Belmont were taken under consideration when drafting these regulations. Feeney explained that the need for such regulations was discovered during compliance checks that were conducted by a State inspector and a local police officer. During these checks most therapists identified themselves as body workers as opposed to Massage Therapists, as Body Workers are exempt from the state massage law. Dr. Walsh asked about the inclusion of Reiki in these Regulations, and recommended staff reaches out to the school of acupuncture for guidance and assistance. Feeney agreed to reach out to local experts and stakeholders, and to revise according to the Board's comments; he also stated the Regulations were created in an expedited fashion and would be revised for the next meeting.

Juliana Rice, Town Counsel, reported to the Board that a group of High School Students proposed a warrant article for Town Meeting to restrict the use of water bottles less than 1 liter.

Environmental updates were tabled until the next meeting.

Restaurant updates: Feeney reported that Family Injera installed a grease trap, and that Arlington Restaurant and Diner has been working with a consultant. Inspector Waden reported on the following establishments: Barismo moved one door down from their previous location, Napoli Pizza is under new ownership, Wings Over Arlington has opened, Something Sweet Without Wheat has opened. In addition Waden reported that plans for Menotomy Grill and Tavern, Frozland and Sczechuan's Dumpling have been approved. The following establishment did not renew their food permits for 2013: Nana's Market, Jade Garden, Gemma, Foodmaster and Ada-Lula Pastry. Lastly, Whole Foods plans to open in the Foodmaster location by September.

No public comment.

Meeting adjourned at 8:04pm



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

**Board of Health Meeting Minutes
Wednesday, April 6, 2016
BOH Conference Room
Arlington Senior Center
5:30pm**

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Michael Fitzpatrick

Staff in Attendance: Christine Bongiorno, Director, James Feeney, Health Compliance Officer, Natasha Waden, Health Compliance Officer

Others in Attendance: Alex Kushnirsky, Ranbir Rai, Tarsem Singh, Theresa Campbell, Robert Bongiorno, Chris Rozanitis, Jess Lawrence

Recording Secretary: Ivy Laplante, Arlington Youth Health & Safety Coalition Director

Meeting called to order by Dr. Marie Walsh Condon at 5:35 pm.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the February 3, 2016 meeting minutes as amended.

Vote: Motion approved unanimously (3-0)

Hearing: Boyles Market: Tobacco/Nicotine Delivery Product Sales Violation

Mr. James Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Boyles at 9:41am, and purchased a "Blu" e-cigarette (e-cig) from an adult female clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Boyles and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Tarsem Singh, if he would like to speak to the Board and address the violations referenced. Mr. Tarsem Singh stated the female clerk who sold the product has worked at the Medford location for over 1 year, and was called in to work in the Arlington location on March 16. It is to be noted that the city of Medford has regulations restricting the sale of tobacco products to age 18. The adult female clerk, Ms. Theresa Campbell, was present at the meeting and apologized for her mistake.

Dr. Walsh-Condon then asked the manager what his plans were to prevent this from happening in the future. Mr. Tarsem Singh stated he would do better to inform all his workers about the local regulations in each community, and explore establishing a store policy to punish the clerks who violate regulations. Mr. Tarsem Singh stated since the law came into effect in March 2015, there have been no problems at the store. Dr. Walsh-Condon noted Boyles Market has had no prior violations. Dr. Fitzpatrick commented on the price of the device, noting it cost \$10.51 for the e-cig.

A Motion was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Little Joe's Convenience: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Little Joe's Convenience at 9:06am and purchased a "Blu" e-cigarette (e-cig) from an adult male clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Little Joe's and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Ranbir Rai, if he would like to speak to the Board and address the violations referenced. Mr. Rai stated the male clerk made an error, and he has already addressed the issue with the clerk. Mr. Rai noted Little Joe's did have a prior violation in 2007.

Dr. Walsh-Condon then asked the owner what his plans were to prevent this from happening in the future. Mr. Rai stated he would discuss the Town regulations with his clerks again, and was not aware that the clerk who violated the regulation checked the agent's ID. Dr. Walsh-Condon reminded Mr. Rai it is his responsibility as the owner to ensure the clerks know the laws in Town.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Arlington Liquors: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that during a compliance check on March 16, 2016, a 19 year old male agent entered Arlington Liquors at 9:14am and purchased "Marlboro" cigarettes from an adult female clerk who did not

ask the agent for his identification. Mr. Feeney delivered a fine of \$100 to Arlington Liquors and presented a letter to appear at this hearing for violating the Arlington Regulation Restricting the Sale of Tobacco and Nicotine Delivery Products, which prohibit the sale of tobacco and nicotine delivery products to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative (the owner), Mr. Alex Kushnirsky, if he would like to speak to the Board and address the violations referenced. Mr. Kushnirsky stated he was not aware the Town regulations were to prohibit sales under 21, and thought it was only 18+.

Dr. Walsh-Condon then asked the owner what his plans are to prevent this from happening in the future. Mr. Kushnirsky stated he will conduct a new training of staff and check to see if it was an isolated incident. Dr. Fitzpatrick commented with a concern that the owner does not know about Town tobacco regulations. Mr. Kushnirsky informed the Board his manager went to the Tobacco Retailer Training, and he needed to speak to the manager about the new regulations.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Christo's Market: Tobacco/Nicotine Delivery Product Sales Violation

Mr. Feeney informed the Board that on March 16, 2016, during a tobacco compliance check, a 19 year old male agent entered Christo's Market at 9:59am and purchased "Marlboro" cigarettes from an adult male clerk who asked the agent for his identification. Mr. Feeney delivered a fine of \$100 to Christo's Market and presented a letter to appear at this hearing for their violation of Arlington regulations to prohibit the sale of tobacco to anyone under the age of 21.

Dr. Walsh-Condon asked the store's representative, Mr. Chris Rozanitis, if he would like to speak to the Board and address the violations referenced. Mr. Rozanitis stated at the time he sold to the agent, his mother was sick in the hospital and he was not thinking clearly.

Dr. Walsh-Condon then asked the owner what his plans are to prevent this from happening in the future. Mr. Rozanitis promised to be more careful, especially when dealing with young customers.

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the minimum penalty of a \$100 fine with a 7-day suspension of tobacco sales to be determined by the Health Compliance Officers.

Vote: Motion Approved Unanimously (3-0)

Hearing: Keeping of Hens - 18 Brattle St. #1

Mr. Feeney informed the Board of Ms. Jess Lawrence's application to keep hens on her property. He noted the plans as submitted in the application are compliant with the hen keeping bylaw, and comments from abutters were supportive of the application. Mr. Feeney questioned the current location of the coop, and noted, according to Town bylaws, the coop must be 6ft. from the property line. Ms. Lawrence informed the Board she has been unable to determine the exact location of the property line due to the brook. Dr. Walsh-Condon recommended Ms. Lawrence check with other Town departments to determine her exact property line.

A Motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Michael Fitzpatrick, to approve the application for keeping of hens with the condition the coop is located 6 feet from the property line.

Vote: Motion Approved Unanimously (3-0)

Hearing: Variance Request: Minimum Standards for Swimming Pools: Float Tonic LLC.

Mr. Feeney informed the Board that Mr. Stephen Tomadakis was ill and was unable to attend the hearing. The Board discussed the history of float tanks and examined other communities' current regulation of these therapeutic pools. Dr. Walsh-Condon reaffirmed the notion that float tanks should not be exempt from the pool code. Dr. Fitzpatrick noted that the Board has previously set new regulations without precedent. Dr. Walsh-Condon reminded the Board this was a discussion only, not a hearing.

Discussion: Regulation Restricting the Sale of Medical Marijuana

Mr. Feeney informed the Board of additional regulations provided for review by Natick. The Board discussed having Mr. Feeney amend the current draft Regulation to include the following: requiring fire extinguishers at home cultivation sites, allowing violations of the State regulation to also be considered violations of the local Regulation, requiring the dispensary to notify the Board of any Department of Public Health visit within 24 hours, signage prohibiting entrance to the dispensary to anyone without a valid Registration Card, and requiring a dispensary to deliver products to those with a verified hardship.

The Board discussed comments made during the public hearing on the draft Regulation at the previous Board of Health meeting. Mr. Kohlberg reminded the Board of the comments made by a resident who believed limiting the supply of marijuana to 30 days could create a hardship for those who will have difficulty accessing the dispensary more frequently. Dr. Walsh-Condon stated the restriction of medical marijuana to a 30-day supply is warranted because prescriptions for controlled substances have historically been limited to 30 days. Dr. Walsh-Condon also noted the requirement for a dispensary to deliver to any patients who are unable to physically access the dispensary.

A comment was made at the public hearing regarding the possibility of disallowing a dispensary from engaging in the future sale of recreational marijuana. Mr. Feeney reminded the Board this Regulation pertained only to the sale of medical marijuana, and they would not be able to disallow an activity that is considered legal.

Mr. Kohlberg suggested the word "medical" be added throughout the Arlington Regulation to alleviate any confusion between medical marijuana regulations and recreational marijuana.

Dr. Walsh-Condon asked how the Board will regulate "edible" medical marijuana products. Mr. Feeney noted that the FDA states marijuana is not a food and therefore cannot be regulated under FDA code, but the Board can still ensure the food preparation is safe and sanitary. Dr. Walsh-Condon suggested the Board adds a provision that references the minimum standards of food preparation when preparing medical marijuana edibles.

Dr. Walsh-Condon noted due to no substantial changes in the Regulation, the next Board meeting on May 18th will be a hearing to adopt the Regulation Restricting the Sale of Medical Marijuana.

Discussion: 2013/2015 FDA Model Food Code

Mrs. Waden informed the Board that Ms. Maureen Lee, a contracted health compliance officer, plans to facilitate the purchase and use of electronic software for Arlington inspections. Mrs. Waden proposed Arlington should adopt the 2013 food code with 2015 addendums, similar to Newton and Cohasset. Mr. Feeney noted Arlington currently enforces the 1999 food code, which does not cover the specialized procedures being used today. Mr. Kohlberg commended Mrs. Waden on her proactive approach to adopting these new regulations.

Discussion: Food Establishment Plan Review Policy

Mrs. Waden discussed formalizing the current policy requiring food establishments that are changing ownership to undergo a plan review. This policy would require new owners to submit plan documents, procedures, menus, operations, etc. to the health compliance officers before officially re-opening establishment.

Environmental Updates

No environmental updates at this time.

Restaurant Updates

Mrs. Waden informed the Board that Fashion Cake Boutique has closed, and the food establishment formerly known as Zocalo will reopen as The Commune Kitchen.

Public Health Nurse Updates

Mrs. Waden informed the Board:

- An 8 year old boy recently passed away. The boy had been diagnosed with influenza but also had underlying medical conditions.
- There has been a flu spike in Arlington - 57 confirmed cases since September 2015.

- Arlington still has state supplied flu vaccine and the Public Health Nurse, Mrs. Kara Katz, has been contacting local physician's offices for distribution.
- 3 confirmed cases of mumps in Arlington.

Public Comment

None

Other:

A Motion was made by Mr. Kohlberg, which was seconded by Dr. Fitzpatrick, to adjourn the meeting at 8:06 pm.

Vote: Motion approved unanimously (3-0)

Meeting was adjourned at 8:06 pm.

ATTACHMENT "B"

OFFICE OF THE BOARD OF SELECTMEN

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
KEVIN F. GREBLEY
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.



730 MASSACHUSETTS AVENUE

TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

DECISION of the LOCAL LICENSING AUTHORITY

Licensee: Arlington Liquors d/b/a "Alexander Liquors"

Licensed Premises: 94B Summer Street
(Arlington Liquors)

License No.: 003000048

License Type: Package Store License

Expiration Date: December 31, 2016

On November 14, 2016, after proper notice and hearing, the Town of Arlington's Board of Selectmen, in its capacity as local liquor licensing authority ("LLA"), unanimously voted to impose a five (5) day license suspension held in abeyance for a one-year probationary period to end on November 30, 2017. Should this LLA find the license holder in violation of G.L. c. 138, any regulation promulgated by the Alcoholic Beverages Control Commission ("ABCC") or its own regulations, within such a period,

the license shall be immediately suspended for five (5) days in addition to any suspension or other sanction for the new violation.

It is also the expectation of this Board, that the license holder make arrangements to bring the licensed premises into compliance with sign regulations codified in the Town's Zoning Bylaws, and up to the standards expected of license-holders in Arlington generally.

In accordance with G.L. c. 138, § 23, the LLA hereby provides this statement of reasons for its action.

Procedural History. Following a thorough investigation, including interviews, reviews of pertinent local and state records, and further evidence collected, by the Arlington Police Department ("Department"), it was determined that on or about the evening of February 26, 2016, Arlington Liquors staff called the Department for assistance with a medical emergency on the licensed premises – 94B Summer Street, Arlington. APD Patrolman Officer Scott Urquhart along with Sergeant Gregory Flavin responded and rendered aid to the license holder, Mr. Alex Kushnirsky. In the process of rendering such aid, 60 milligrams of edible marijuana was recovered from Mr. Kushnirsky's person. Subsequent investigation confirmed that Mr. Kushnirsky was not then licensed or otherwise permitted to possess medical marijuana under the Commonwealth Medical Use of Marijuana program.

As a duly appointed agent for the LLA, the Department in conjunction with the Arlington Legal Department recommended a hearing to determine if any violations of state or local alcohol laws occurred.

In accordance with G.L. c. 138, § 23(4), the Board convened a hearing on November 14, 2016, at approximately 7:15 p.m. to consider whether or not any violation of c. 138, ABCC regulations or LLA regulations occurred at Arlington Liquors on the evening at issue. The licensee was notified of the hearing by certified letter dated November 2, 2016 and acknowledged receipt of same.

Questions Presented.

- (1) Did a violation of the state liquor law occur on the above-referenced premises by an agent, manager, or employee's possession of marijuana on the license premises under G.L. c. 138 sec. 64 and/or 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?
- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result of any such violation?

Evidence.

The following witnesses appeared and testified:

(1) Police Officer Scott Urquhart, Arlington Police Department: summarized investigatory findings of the Department, including information codified in Incident Report No. 16004573 and relevant investigative supplements ("Incident Reports").¹

(2) Alexander Kushnirsky Owner and Manager of Arlington Liquors with Robert Panico, Esq., his counsel provided the Licensee's recitation of events, evidence of mitigating circumstances, as well as a list of remedial actions taken in response to a number of issues raised during the hearing.

Findings of Fact. On the basis of the evidence presented at the November 14, 2016 Hearing described above, the LLA made the following findings of fact:

¹ The License Holder was provided a copy such incident reports in advance of the hearing by the Legal Department.

1. On February 26, 2016, at approximately 9:02 p.m. Sgt. Gregory Flavin and Officer Scott Urquhart were dispatched to 94 Summer Street (Arlington Liquors) to investigate a report of an unconscious person inside the premises. *Incident Report; Urquhart Testimony.*
2. Upon arrival, APD personnel spoke with an Arlington Liquors employee, Roman Ivanov, who led the officers to an office inside Arlington Liquors where owner/manager Alex Kushnirsky was found unresponsive. *Incident Report; Urquhart Testimony.*
3. Arlington Liquors employee Almaz Imamaliev noted to officers that Mr. Kushnirsky had arrived at Arlington Liquors earlier that evening at approximately 6:30 p.m. and went into his office. *Incident Report; Urquhart Testimony.*
4. Officer Urquhart rendered aid to Mr. Kushnirsky, who was revived and received further assistance from the Arlington Fire Department. *Incident Report; Urquhart Testimony.*
5. However, a check of the immediate area in which officers found Mr. Kushnirsky possessed 60 milligrams of "Kool Ballz" THC Edible Marijuana in his pocket, which was seized and kept in evidence by APD. *Incident Report; Urquhart Testimony.*
6. Mr. Kushnirsky did not deny possessing or consuming marijuana that evening, but denied consuming any other drugs. *Incident Report; Urquhart Testimony; Kushnirsky Testimony.*

7. At the time of the incident in question, Mr. Kushnirsky was not a registered medical use of marijuana patient in the Commonwealth of Massachusetts, but has since obtained a medical use of marijuana card to help manage a chronic condition which has required numerous surgical interventions. *Incident Report; Urquhart Testimony; Kushnirsky Testimony.*
8. The license holder has not had previous alcohol-related violations, but has been penalized for underage tobacco sales previously. Mr. Kushnirsky described remedial actions take to address such violations. *Kushnirsky Testimony.*

Conclusion. On the basis of the findings of fact recited above, the LLA made the following conclusions on the Questions Presented:

- (1) Did a violation of the state liquor law occur on the above-referenced premises by an agent, manager, or employee's possession of marijuana on the license premises under G.L. c. 138 sec. 64 and/or 204 C.M.R. 2.05(2), which prohibits any illegality on licensed premises?

Yes.

- (2) If so, what action, if any, will the LLA take concerning the above-referenced license as a result?

A five (5) day license suspension held in abeyance for a one-year probationary period to end on November 30, 2017.

Discussion.

The ABCC and courts have long upheld that illegality on the premises of a licensed establishment may serve as grounds for modification, suspension, or revocation of a liquor license. 204 C.M.R. 2.05(2) states:

No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

To that end, "disorder, disturbance or illegality of any kind" includes the possession of illicit drugs and paraphernalia on licensed premises. See e.g., *Rico's of the Berkshires, Inc. v. Alcoholic Beverages Control Commission, et al.*, 19 Mass. App. Ct. 1026, 477 N.E. 2d 174 (1985)(possession of cocaine and drug paraphernalia on licensed premises by an employee sufficient for penalty under 204 CMR 2.05(2)). While the landscape regarding marijuana possession has changed in the Commonwealth, at the time of the incident in question it is beyond dispute that it was unlawful to possess one ounce or less marijuana pursuant to G.L. c. 94C §32L.

In the matter before this Board, it is uncontested that Mr. Kushnirsky, the owner and manager of Arlington Liquors possessed on his person a medical marijuana product without then being a registered medical marijuana cardholder in the Commonwealth. As such, there is no question that an illegality took place on the premises and the terms of Mr. Kushnirsky's license were violated. The Board also found additional cause for concern in previous tobacco sale violations and the general conditions of the licensed premises, which may be in violation of other Arlington rules and regulations with respect to signage and other matters.

The Board appreciates that Mr. Kushnirsky has taken steps to address some of these concerns, and further, that he obtained a personal medical marijuana card to help him manage the medical conditions he represents led to the mistakes he made in possessing marijuana on the premises on the evening in question. We pause however to caution that a medical marijuana card is not a license to override the strictures of 204

C.M.R. 2.05(2), to work in the capacity as a liquor store owner or manager while impaired by marijuana, alcohol, or any other substance. Nonetheless, we credit his testimony that he has taken steps to address his own mistake, and will rectify the appurtenant conditions of concern this Board raised to his attention.

Therefore, considering all of the above-discussed evidence, the LLA chooses to issue a five (5) consecutive day suspension, to be held in abeyance for a one-year period of probation ending on November 30, 2017. Should any violation occur within that period, Arlington Liquors will serve said 5-days beginning on the same day of the week the original violation took place, a Friday.

Order. For the reasons stated herein, the above-referenced license is in PROBATION for a period of one year to end on November 30, 2017. Should the licensee violate the terms of its license, c. 138, or any regulation of the ABCC during such period, the license will be SUSPENDED for five (5) consecutive days to commence on a Friday, in addition to further penalties the licensee may face for a future violation.

Licensee is hereby advised of their right to appeal this decision to the ABCC within five (5) business days of receiving this decision and order.

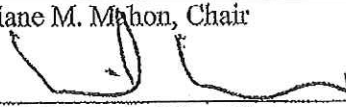
Dated: November 28, 2016

By:

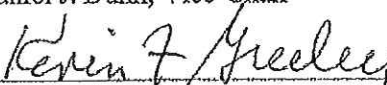
TOWN OF ARLINGTON
BOARD OF SELECTMEN



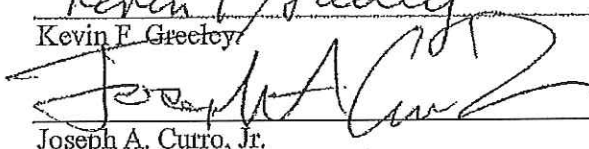
Diane M. Mahon, Chair



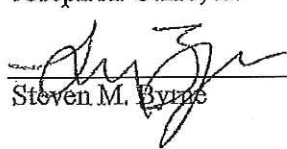
Daniel J. Dunn, Vice-Chair



Kevin F. Greeley



Joseph A. Curro, Jr.



Steven M. Byrne

ATTACHMENT "C"

**ARLINGTON POLICE
ARLINGTON, MA**INCIDENT # / REPORT #
17005217 / 1OFFICER
PORCIELLORANK
INSPREVIEW STATUS
APPROVED**INCIDENT #17005217 DATA**

As Of 02/28/2017 08:04:46

BASIC INFORMATIONCASE TITLE

ALCOHOL COMPLIANCE CHECKS

LOCATION

112 MYSTIC ST

APT/UNIT #DATE/TIME REPORTED

02/27/2017 18:59:17

DATE/TIME OCCURRED

On or about 02/27/2017 18:59

INCIDENT TYPE/OFFENSE

ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005217 - 1 / PORCIELLO (INSP)DATE/TIME OF REPORT

02/27/2017 18:59:17

TYPE OF REPORT

INCIDENT

REVIEW STATUS

APPROVED

NARRATIVE

On February 27, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. Prior to conducting the checks both operatives were breath tested using the portable breath test. The male blew a 0.00 (test 103) and the female also blew a 0.00 (test 104). The operatives were photographed and provided me with parental releases. They were given a copy of the recommended guidelines for conducting underage sting operations. They both read, understood and signed the recommended guidelines. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau. Ivy Laplant from the Arlington

Youth and Safety Coalition provided us with 100 dollars to conduct the compliance checks. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following are the restaurants/businesses that were closed.

- Noodle Market located at 470-472 Mass Ave.
- Punjab Fine Indian Cuisine located at 485-487 Mass Ave.
- Sabzi located at 352A Mass Ave.
- Commune Kitchen located at 203 A&B Mass Ave.
- Little Q Pot & Szechuan House located at 196 Mass Ave.
- Ristorante Olivio located at 193-201 Mass Ave.
- Sugo Cuicina Italiano located at 164 Mass Ave.
- Arlington Restaurant and Diner located at 134 Mass Ave.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

- At 5:02PM the operatives entered Menotomy Grill and Tavern located at 25 Mass Ave. No alcohol was served.
- At 5:08PM the operatives entered Spy Pond Beer & Wine (Giles Wine and Spirits) located at 137 Mass Ave. no alcohol was sold.
- At 5:11PM the operatives entered Za located at 138 Mass Ave. No alcohol was served.
- At 5:57PM the operatives entered Otto located at 202 Mass Ave. No alcohol was served.
- At 6:21PM the operatives entered Acitron located at 473 Mass Ave. No alcohol was served.
- At 6:28PM the operatives entered Tango located at 464 Mass Ave. No

alcohol was served.

-At 6:31PM the operatives entered Singh Saab Fine Indian located at 444 Mass Ave. No alcohol was served.

-At 6:34PM the operatives entered Shanghai Village located at 434-436 Mass Ave. No alcohol was served.

-At 4:43PM the operatives entered Menotomy Beer and Wine located at 80 Broadway. No alcohol was sold.

-At 4:51PM the operatives entered Fusion Taste located at 303A-305 Broadway. No alcohol was served.

-At 4:53PM the operatives entered the Common Ground located at 319 Broadway. No alcohol was served.

The following is a list of the compliance checks that resulted IN A VIOLATION with a brief description of the violation.

-At 5:19PM the operatives entered Zhu's Garden located at 166 Mass Ave. At 5:25PM the operatives exited Zhu's Garden and returned to our vehicle. The operatives informed us that they were seated inside and had an Asian woman wearing black clothing as a server. The operatives ordered 2 Peak Fresh Cut beers and were served the alcohol. The total cost of the purchase was \$10.70. The operatives provided me with the receipt and the change which amounted to \$9.30. Myself and Detective Sergeant Gallagher entered Zhu's Garden, observed that there were no other customers in the restaurant and spoke to the manager now known to us as Bowei Zhu. Zhu acknowledged the sale and directed me to the server who identified herself as Fanguyan Chen. Chen acknowledged that she had served the two operatives.

-At 5:34PM the operatives entered Duet located at 190 Mass Ave. At 5:41PM the operatives exited Duet and returned to our vehicle. The operatives informed us that they sat at the restaurant's bar and ordered 2 Kronenbourg 1664 beers and were served the alcohol. The total cost of the purchase was \$12.84. The operatives provided me with a receipt and the change which amounted to \$7.16. They reported that the bar tender was a white male who was approximately 6'00" with an average build. The bar tender informed the operatives of upcoming wine tastings. After receiving their receipt they left the restaurant. Myself and Detective Sergeant

Gallagher entered Duet, observed 1 couple seated at a table and 1 man at the bar. We met the manager at the greeting booth and informed her that there had been an alcohol violation and 2 underage operatives were served alcohol at the bar. I was directed to the bar where I met the bar tender who identified himself as Tim Hurlburt. It should be noted that the receipt lists the server as Timothy H. Hurlburt acknowledged the sale to the two operatives. He stated, "I didn't ID them, my fault."

It should be noted that the serves were never witnessed by Inspectors and were reported to us by the operatives.

Once back at the station the 2 receipts from Zhu's Garden and Duet were bagged as evidence together. The evidence bag was then secured in evidence locker 9. The operatives were again breath tested using the portable breath test. The male blew a 0.00 (test 105) and the female also blew a 0.00 (test 106). The operative's property was returned.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #
17005303 / 1

OFFICER
PORCIELLO

RANK
INSP

REVIEW STATUS
APPROVED

INCIDENT #17005303 DATA

As Of 03/02/2017 08:02:10

BASIC INFORMATION
CASE TITLE
ALCOHOL COMPLIANCE CHECKS

LOCATION
112 MYSTIC ST

APT/UNIT #
DATE/TIME REPORTED
02/28/2017 18:48:30

DATE/TIME OCCURRED
On or about 02/28/2017 18:48

INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005303 - 1 / PORCIELLO (INSP)
DATE/TIME OF REPORT
02/28/2017 18:48:30

TYPE OF REPORT
INCIDENT

REVIEW STATUS
APPROVED

NARRATIVE

On February 28, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. Prior to conducting the checks both operatives were breath tested using the portable breath test. The female blew a 0.00 (test 107) and the male also blew a 0.00 (test 108). The operatives were photographed and provided me with parental releases. They were given a copy of the recommended guidelines for conducting underage sting operations. They both read, understood and signed the recommended guidelines. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau. Ivy Laplant from the Arlington

Youth and Safety Coalition provided us with 100 dollars to conduct the compliance checks on the previous evening and the remaining money was used to conduct the compliance checks on today's date. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

-At 4:59PM the operatives entered Sono located at 469 Summer St #3&4. No alcohol was served.

-At 5:32PM the operatives entered Scutra located at 92 Summer St. No alcohol was served.

-At 5:08PM the operatives entered Not Your Average Joes located at 645 Mass Ave. No alcohol was served.

-At 5:15PM the operatives entered Thai Moon located at 663 Mass Ave. No alcohol was served.

-At 5:17PM the operatives entered Pasha Mediterranean located at 669A Mass Ave. No alcohol was served.

-At 5:20PM the operatives entered Tryst located at 689 Mass Ave. No alcohol was served.

-At 5:25PM the operatives entered Mr. Sushi located at 693 Mass Ave. No alcohol was served.

-At 5:53PM the operatives entered Toraya located at 890 Mass Ave. No alcohol was served.

-At 6:00PM the operatives entered the Mystic Wine Shoppe located at 901 Mass Ave. No alcohol was sold.

-At 6:06PM the operatives entered Jimmy's Steer House located at 1111 Mass Ave. No alcohol was served.

-At 6:13PM the operatives entered Szechuan's Dumpling located at 1360 Mass Ave. No alcohol was served.

-At 6:18PM the operatives entered Thai E-Sarn located at 1377-1381 Mass Ave. No alcohol was served.

-At 6:35PM the operatives entered Nina Trattoria & Pizzeria located at 1510 Mass Ave. No alcohol was served. It should be noted that this restaurant has not begun selling beer and wine.

The following is a list of the compliance checks that resulted IN A VIOLATION with a brief description of the violation.

-At 4:48PM the operatives entered Arlington Liquors located at 94 Summer St. At 4:50PM the operatives exited Arlington Liquors and returned to our vehicle carrying a six pack of 12 ounce Bud Light cans. The operatives informed us that the cashier sold them the six pack while failing to ask for identification. The operatives provided us with the sales receipt which documented that their purchase of the six pack amounted to \$7.00. The operatives returned the \$13.00 in change. They described the cashier as being a male with dark hair and having a tanned complexion. I entered Arlington Liquors and spoke to the cashier who identified himself as Almaz Imanlieve. I identified myself as an Arlington Police Detective and informed him that he sold a six pack to 2 underage operatives. Almaz acknowledged the sale and reported that he thought he had seen them in the business in the past.

-At 6:21PM the operatives entered Prime, Your Local Butcher located at 1398 Mass Ave. At 6:23 the operatives exited Prime, Your Local Butcher carrying a six pack of 12 ounce Heineken bottles. The operatives informed us that the cashier sold them the six pack while failing to ask for identification. The operatives provided us with a sales receipt which documented that their purchase of the six pack amounted to \$10.99. The operatives returned the \$9.01 in change. The cashier was described as a white male in his twenties with curly brown hair. As we were seated in the car an employee exited the business carrying trash. The operatives identified the employee as being the cashier who sold them the six pack. I then entered the business and spoke to the manager now known to me as Scott Carta. I identified myself as an Arlington Police Detective and informed Carta that a violation had occurred. I then directed Carta's attention to an employee who had been identified by the operatives as selling the six pack. Carta reported that the employee's name is James Cerone. We were able to speak to Cerone who acknowledged selling the six pack of Heineken without asking for identification.

It should be noted that the serves were never witnessed by Inspectors and were reported to us by the operatives.

Once back at the station 2 receipts from Arlington Liquors and Prime, Your Local Butcher were bagged as evidence together. The Bud Light six pack (12 oz cans) and the Heineken six pack (12 oz bottles) were tagged as evidence separately. The evidence bag containing the receipts and the 2 tagged six packs were then secured in evidence locker 3. The operatives were again breath tested using the portable breath test. The female blew a 0.00 (test 109) and the male also blew a 0.00 (test 110). The operative's property was returned. It should be noted that the tagged evidence indicates that the evidence was placed in locker 7. However, locker 7 was not operating correctly and the evidence was then placed in locker 3.

The remaining \$58.47 will be returned to Ivy Laplant.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #
17005303 / 2

OFFICER
PORCIELLO

RANK
INSP

REVIEW STATUS
APPROVED

INCIDENT #17005303 DATA

As Of 03/02/2017 08:02:10

BASIC INFORMATION
CASE TITLE
ALCOHOL COMPLIANCE CHECKS

LOCATION
112 MYSTIC ST

APT/UNIT #
DATE/TIME REPORTED
02/28/2017 18:48:30

DATE/TIME OCCURRED
On or about 02/28/2017 18:48

INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17005303 - 2 / PORCIELLO (INSP)
DATE/TIME OF REPORT
02/28/2017 18:48:30

TYPE OF REPORT
SUPPLEMENT

REVIEW STATUS
APPROVED

NARRATIVE

On March 1, 2017 at approximately 15:10 hours, the Bud Light and Heineken six packs were removed from evidence, photographed and disposed of. The photographs have been attached to this report.


**ARLINGTON POLICE
ARLINGTON, MA**
INCIDENT # / REPORT #
17006003 / 1

OFFICER
PORCIELLO

RANK
INSP

REVIEW STATUS
APPROVED

INCIDENT #17006003 DATA

As Of 03/09/2017 07:52:57

BASIC INFORMATION
CASE TITLE
ALCOHOL COMPLIANCE CHECKS

LOCATION
112 MYSTIC ST

APT/UNIT #
DATE/TIME REPORTED
03/08/2017 18:02:16

DATE/TIME OCCURRED
On or about 03/08/2017 18:02

INCIDENT TYPE/OFFENSE
ASSIST

[NO PERSONS]

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 17006003 - 1 / PORCIELLO (INSP)
DATE/TIME OF REPORT
03/08/2017 18:02:16

TYPE OF REPORT
INCIDENT

REVIEW STATUS
APPROVED

NARRATIVE

On March 8, 2017, I, Inspector Porciello along with Detective Sergeant Gallagher conducted alcohol compliance checks of restaurants and businesses licensed to sell and/or serve alcohol in Arlington. We worked with 2 juvenile operatives. One operative was a male party and the second operative was a female. The operatives were the same that were used in alcohol compliance checks assigned to incident numbers 17005217 and 17005303. Prior to conducting the checks both operatives were breath tested using the portable breath test. The female blew a 0.00 (test 111) and the male also blew a 0.00 (test 112). The operatives were then photographed. Both parties removed all money and forms of identification from their possession and we secured the items and money in a gun locker with the Criminal Investigations Bureau. Ivy Laplante of the Arlington Youth and Safety Coalition had previously supplied us with money for past

compliance checks. The remaining \$58.47 was used on today's date. The operatives were provided with 20 dollars prior to entering any restaurant/business.

The following is a list of restaurants/businesses that were open and compliance checks were completed resulting in NO VIOLATIONS.

-At 4:28PM the operatives entered the Commune Kitchen located at 203 A&B Broadway. No alcohol was served.

-At 4:43PM the operatives entered Sugo Cucina Italiana located at 164 Mass Ave. No alcohol was served.

-At 5:07PM the operatives entered Little Q Pot-Szechuan House located at 196 Mass Ave. No alcohol was served.

-At 5:12PM the operatives entered Ristorante Olivia located at 193-201 Mass Ave. No alcohol was served.

-At 5:15PM the operatives entered The Capital Theatre located at 204 Mass Ave. No alcohol was served.

-At 5:48PM the operatives entered Sabzi located at 352A Mass Ave. No alcohol was served.

Once back at the station the operatives were again breath tested using the portable breath test. The female blew a 0.00 (test 113) and the male also blew a 0.00 (test 114). The operative's property was returned.

The remaining \$58.47 will be returned to Ivy Laplante.

CONSIDINE & FUREY, LLP

COUNSELORS AT LAW

ONE BEACON STREET, 22nd FLOOR
BOSTON, MA 02108

Telephone (617) 723-7200

Telecopier (617) 723-5700

www.considinefurey.com

Via email only to mkrepelka@town.arlington.ma.us

And freidy@town.arlington.ma

July 20, 2017

Joseph A. Curro, Jr., Chair
Board of Selectmen of Arlington
730 Mass. Ave.
Arlington, MA 02476

RE: Alexander Kushnirsky dba Alexander Liquors,
94B Summer Street, Arlington
Arlington Board of Selectmen Meeting
MONDAY July 24, 2017
Reconsideration of Vote to Revoke License For
Failing Compliance Check

Dear Chair Curro:

I represent Alexander Kushnirsky dba Alexander Liquors located at 94B Summer Street, Arlington, MA ("ALEXANDER LIQUORS") who, as you know, holds an all-alcoholic beverages license issued under section 15 of chapter 138 of the General Laws.

I submit this memorandum in support of the request for the Arlington Board of Selectmen to reconsider, revise and amend the sanction of revocation of the license.

I. THE ABCC'S PRIOR DECISIONS ON PENALTIES FOR FAILING COMPLIANCE CHECKS.

The Alcoholic Beverages Control Commission (ABCC) for years has consistently disapproved the revocation of license for failing a compliance check. In their decisions spanning across the years, the ABCC has informed local licensing authorities of the public policy behind compliance checks and the role that measured, reasonable penalties play in that public policy.

The ABCC has consistently instructed all licensees and all local licensing authorities that in reviewing the sanction imposed by a local licensing authority for a licensee failing a compliance check (also formerly referred to as a "sting"),

[t]he Commission has consistently held that [t]he policy behind a "sting" operation should be the education of licensees in the risks associated with selling alcoholic beverages without requesting proof of age. In re: Assinippi Liquors,

Inc., Wareham (ABCC decision dated 06/08/2004), Epicure Package Store, supra. (ABCC decision dated 01/31/2007), See Saba Foodmarket, Inc., dba Bradford Shell (ABCC decision dated 05/16/2012). While small suspensions may further that purpose by imposing a consequence for taking a risk, a heavyhanded suspension does not. See Assinippi Liquors, supra. (ABCC decision dated 06/08/2004 where Commission held that a twenty (20) day suspension of the alcoholic beverages license for a compliance check was unreasonable. The Commission found that a suspension of that length steps over the line of measured education and becomes unreasonably punitive.), See Saba Foodmarket, supra. (ABCC decision dated 05/16/2012 where the Commission held that a revocation of the alcoholic beverages license for a compliance check was unreasonable.)

In 2007 and again in 2012, the Commission faced the same issue ... regarding a license revoked as a result of a failed compliance check. Epicure Package Store, supra., Saba Foodmarket, supra. In both instances, the Commission held that the penalty of revocation or cancellation of a license for a violation occurring solely as the result of a "sting" is draconian and unfair. Id. As such, the Commission finds that the penalty imposed by the Local Board in this matter is unreasonable.

In re: Arslan, Inc. Db a Village Dairy, Grafton, MA (ABCC Decision dated April 23, 2014). This one decision of the ABCC, with its references to prior decisions dating back to 2004, clearly establishes the following principles of law:

- 1) Small suspensions advance the public policy behind compliance checks,
- 2) A 20-DAY suspension of license is not a small suspension but is unreasonably punitive;
- 3) Draconian penalties do not advance the public policy behind a compliance check which is education; and,
- 4) Revoking a license is a draconian penalty for failing a compliance check.

II. ALEXANDER LIQUORS HAS BEEN EDUCATED IN THE RISKS OF NOT ASKING FOR IDENTIFICATION & HAS CHANGED ITS PROCEDURES.

As a direct and proximate result of the compliance check, Mr. Kushnirsky has already executed changed in the policies, procedures and operations of his establishment. These changes include policy changes, information sharing practices, record creation practices, record retention practices, renewed education of both himself and his employees in server training procedures, and new, increased signage to provide additional warnings to individuals below the legal drinking age from attempting to obtain beverage alcohol in his establishment.

A. Implemented Updated Policies and Operational Procedures.

1. Mr. Kushnirsky has identified a guide that gives instruction on the best practices for selling alcohol while avoiding compliance issues and has already incorporated this into his operations.

2. New employees review this guide before they begin working their first shift.
3. New employees do not work by themselves; they work with a more experienced employee who helps to advance and grow the new employee's knowledge and awareness of the procedure to request and check Identification for proof of age.
4. Monthly meetings are held with all employees in which awareness of compliance issues are discussed and employees are refreshed on the procedures.
5. The Point of Sale Computer System is used to log identifications that are checked. Two (2) examples of this are attached to this memorandum at Tab 1.
6. All employees sign a reminder pledge at the beginning of each shift regarding the policy on checking for identification for proof of age; An example of this pledge is attached to this memorandum at Tab 2.
7. False identifications that are abandoned in the store after being challenged will be submitted to the Arlington Police Department along with a cover letter. An example of this cover letter is attached to this memorandum at Tab 3 along with copies of false identifications that will be submitted under this procedure.
8. Mr. Kushnirsky will become a member of the Massachusetts Package Store Association to avail himself of their educational resources to re-train himself and his employees in safe sale and service of alcohol.
9. Mr. Kushnirsky will take the initiative to secure a private training session before November 2017, which is the next regularly scheduled training session conducted by MassPack.
10. New signage has been installed at the front, main entrance to the establishment. An example of this new signage is attached to this memorandum at Tab 4.

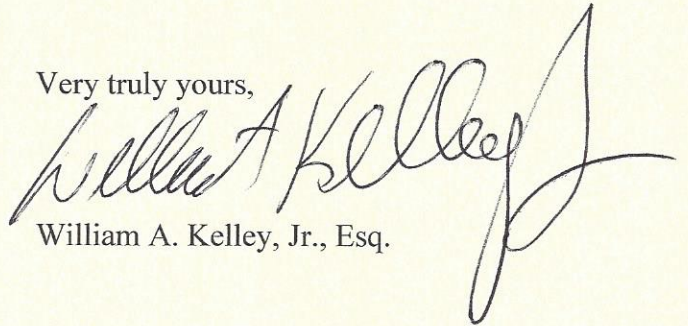
Based on the above, it is requested that the Board of Selectmen reconsider, revise and amend the sanction of revocation of the license.

I would be happy to discuss with you and the Board members this memorandum and any other information that may be helpful to the Board members in considering this request.

Please let me know if I can provide any additional information in advance of the meeting on Monday evening.

Your attention and consideration in this matter is greatly appreciated.

Very truly yours,

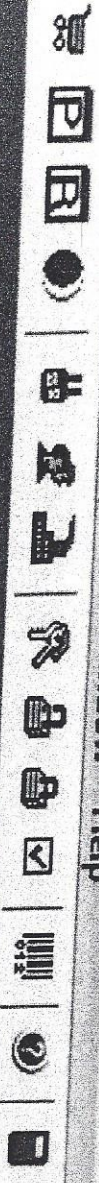
A handwritten signature in black ink, appearing to read "William A. Kelley, Jr.", with a large, stylized flourish extending from the end of the signature.

William A. Kelley, Jr., Esq.

Cc: Doug Heim, Esq. Town Counsel
For Arlington (via email only)
Alexander Kushnirsky (via email only)

TAB 1 to MEMORANDUM

RE: Alexander Kushnirsky dba Alexander Liquors,
94B Summer Street, Arlington
Arlington Board of Selectmen Meeting
MONDAY July 24, 2017
Reconsideration of Vote to Revoke License For
Failing Compliance Check



Product List - ID CHECKED

List		Details		Costs / Pricing		Sales History		Purchase History	
Date	Time	Invoice	Qty	Price	Promo/Kit	Customer			
07/01/2017	20:27	517941	1	0.00		N/A			
07/01/2017	20:25	517940	1	0.00		N/A			
07/01/2017	19:58	517930	1	0.00		N/A			
07/01/2017	19:39	517922	1	0.00		N/A			
07/01/2017	19:21	517919	1	0.00		N/A			
07/01/2017	19:20	517918	1	0.00		N/A			
07/01/2017	19:04	517915	1	0.00		N/A			
07/01/2017	18:52	517905	1	0.00		N/A			
07/01/2017	18:46	517901	1	0.00		N/A			
07/01/2017	18:40	517899	1	0.00		N/A			
07/01/2017	18:32	517898	1	0.00		N/A			
07/01/2017	18:30	517896	1	0.00		N/A			
07/01/2017	18:26	517892	1	0.00		N/A			
07/01/2017	18:24	517891	1	0.00		N/A			
07/01/2017	18:23	517890	1	0.00		N/A			

☒ Case Qty

Monthly

Weekly

Journal

Customers

User ID: 2

Serial Nbr 8200674 / 1

LOC





Product List - ID CHECKED

List

Details

Costs / Pricing

Sales History

Purchase History

Date	Time	Invoice	Qty	Price	Promo/Kit	Customer
07/01/2017	18:05	517885	1	0.00		N/A
07/01/2017	18:00	517884	1	0.00		N/A
06/30/2017	17:59	517586	1	0.00		N/A
06/30/2017	17:57	517585	1	0.00		N/A
06/30/2017	15:51	517523	1	0.00		N/A
06/30/2017	15:07	517503	1	0.00		N/A
06/29/2017	22:38	517412	1	0.00		N/A
06/29/2017	22:23	517403	1	0.00		N/A
06/29/2017	22:04	517393	1	0.00		N/A
06/29/2017	21:15	517377	1	0.00		N/A
06/29/2017	19:34	517332	1	0.00		N/A
06/29/2017	19:30	517329	1	0.00		N/A
06/29/2017	18:57	517322	1	0.00		N/A
06/29/2017	18:52	517320	1	0.00		N/A

Monthly

Weekly

Journal

Customers

☒ Case Qty

User ID: 2

Serial Nbr: 8200674 / 1

LOC



1:11 PM
7/9/2017

ASUS

Splendid Time

OS / V / MENU / O / A

vare

TAB 2 to MEMORANDUM

RE: Alexander Kushnirsky dba Alexander Liquors,
94B Summer Street, Arlington
Arlington Board of Selectmen Meeting
MONDAY July 24, 2017
Reconsideration of Vote to Revoke License For
Failing Compliance Check

Reminder / Pledge That We ID

I, _____ at the beginning of my shift acknowledge and make it top priority check ID's and uphold the Arlington Liquors policy of:

No Sale to Minors. We ID.

Ask Everyone.

Can I see an ID for all Alcohol and Tobacco Sales.

Today's Date:

Employee Signature:

Date of Over 21 Years Old:

TAB 3 to MEMORANDUM

RE: Alexander Kushnirsky dba Alexander Liquors,
94B Summer Street, Arlington
Arlington Board of Selectmen Meeting
MONDAY July 24, 2017
Reconsideration of Vote to Revoke License For
Failing Compliance Check

Cover Letter For ID's Submitted to Arlington Police Department

Arlington Liquors is turning over the following Fake ID's. They consist of:

1 – Massachusetts

1 – New Jersey

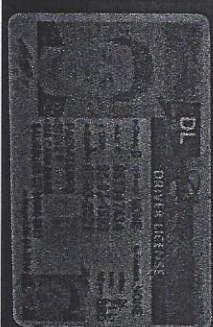
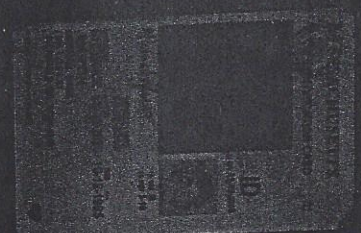
1 – New York

2 – Maine

3 – Connecticut

July 25, 2017

Thank you.



TAB 4 to MEMORANDUM

RE: Alexander Kushnirsky dba Alexander Liquors,
94B Summer Street, Arlington
Arlington Board of Selectmen Meeting
MONDAY July 24, 2017
Reconsideration of Vote to Revoke License For
Failing Compliance Check

ARLINGTON LIQUORS

—
We ID

Everyoneunder 30

**No One Under 21
Allowed**

No Trespassing



Town of Arlington, Massachusetts

CITIZENS OPEN FORUM



Town of Arlington, Massachusetts

Request for Approval: Grove Street Crosswalk Referral to TAC

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	MEMO_TAC_GroveSt_7_24_17.pdf	Reference from Town Manager



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

**730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov**

To: Board of Selectmen

From: Adam W. Chapdelaine, Town Manager

RE: Referral to TAC – Crosswalk on Grove Street

Date: July 24, 2017

I am writing to request that the Board ask that the Transportation Advisory Committee (TAC) study the potential for a crosswalk on Grove Street, in proximity to the tennis courts and the DPW Yard. It has been brought to my attention that Arlington High School students cross Grove Street regularly, and exploring a crosswalk seems appropriate. There is no immediately apparent or convenient location to place a crosswalk, and that is why I am requesting that the Board ask TAC to review this matter.

I would be happy to answer any questions that the Board may have regarding this matter.



Town of Arlington, Massachusetts

Request for Approval: Stop Sign at Venner Road/Concord Turnpike

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Venner_Road_Signage.pdf	Memorandum to Board



PUBLIC WORKS DEPARTMENT
TOWN OF ARLINGTON

51 Grove Street, Arlington, Massachusetts 02476
Phone: (781) 316-3108 Fax: (781) 316-3281

Memo to: Adam Chapdelaine, Town Manager

From: Mike Rademacher, DPW Director

Date: July 17, 2017

Subject: Venner Road
Traffic Signage Recommendation

Adam-

A resident along Venner Road recently brought to my attention concerns about a traffic condition at the intersection of Venner Road and the Concord Turnpike (access Road along Route 2). The resident stated he has witnessed on several occasions vehicles traveling down Venner (eastbound) toward Concord Turnpike and continuing, without stopping, straight toward Pleasant Street. This puts vehicles traveling the wrong way on Concord Turnpike for a short distance before they get to Pleasant.



Based upon the resident's first hand observations, I visited the location to evaluate the existing conditions. Without witnessing any actual violations, the area definitely can be confusing. Most signage indicating "Wrong Way" or "Do Not Enter" may only be noticed once a vehicle is already going the wrong way. I also noted that no "Stop" sign is present at the end of Venner at the intersection. The picture to the left shows the current conditions.

While there is a sign indicating "No Left Turn", due to the geometry of the intersection, it may be confusing as it almost appears the roads are merging and no turn is actually present. Below is a picture taken at a similar intersession, Rhinecliff and Concord Turnpike.

The presence of a "Stop Sign" with a "One Way" sign affixed to the top seems a more appropriate treatment. Stopping will give drivers some time to observe their surroundings and the "One Way" sign at the same location makes it obvious there is only one option for moving forward.

It is my recommendation that Public Works replace the "No Left Turn" sign at Venner with a "Stop" sign and "One Way" sign similar to that found at Rhinecliff.





Town of Arlington, Massachusetts

Request for Approval: Electric Vehicle Parking Designation in Russell Common Lot

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Electric_Vehicle_Charging_Station.pdf	Memorandum to Board



**Town of Arlington
Office of the Town Manager**

Jim Feeny
Assistant Town Manager

**730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
E-mail: jfeeny@town.arlington.ma.us
Website: www.arlingtonma.gov**

To: Members of the Board of Selectmen

From: Jim Feeny, Assistant Town Manager

RE: Request for Approval – Reserved Electric Vehicle Parking at Russell Common Lot

Date: July 10, 2017

On behalf of the Town Manager, I am pleased to submit for the Board's consideration the following request to designate electric vehicle (EV) parking spaces in the Town's largest public parking lot- the Russell Common Lot. The requested spaces would be demarcated with signage and pavement markings in conjunction with the proposed installation of level-2 electric vehicle supply equipment (EVSE), known more colloquially as an electric vehicle charging station, at the same lot as detailed herein. Specifically, the request is for two adjacent parking spots, as indicated on the map enclosed herewith, to be designated as Electric Vehicle Parking Only While Charging and enforceable as such under Article V: Parking, of the Town of Arlington Traffic Rules and Orders. For ease of reference, the spots would be proximal to those in the southwest ell currently designated for Zipcar use and conveniently located nearest the Jefferson Cutter House and the business district.

As Members of the Board are aware, the Town has long been committed to purchasing fuel-efficient fleet vehicles, with a corresponding recent trend towards hybrid and battery EVs. Similarly, public EV ownership is on the rise locally. Taken together, this creates an increased demand for mixed-use EV charging infrastructure, especially as this rising trend is predicted to continue in the foreseeable future. This initiative reinforces the Town's ongoing commitment to reducing its own greenhouse gas emissions through expanded EV infrastructure and supports the greater Arlington community in the same endeavor. Moreover, the availability of this amenity will make the core Arlington Center business district more inviting for EV drivers as the noted parking spaces and EVSE would not only be available to Town employees, businesses and nearby residents, but also more widely available for use by the general public as they conduct business.

A capital appropriation was made during FY17 at the request of the Parking Implementation and Governance Committee to pursue the installation of a charging station. In an effort to leverage the capital funds, we successfully sought a Massachusetts Electric Vehicles Incentive Program (MassEVIP) grant through MassDEP in the amount of \$3105.00, which will cover 50% of the EVSE equipment costs if approved for installation.

The desired EVSE is from the CT4000 family manufactured by ChargePoint. ChargePoint operates an open network linking EV drivers with charging spots across the nation, including the spots available at WholeFoods in Arlington and the Alewife MBTA Station in Cambridge. This EVSE is unique in that it operates via a widely available mobile app that provides a smart, networked solution for use, energy, cost and revenue monitoring. Given the networked capacity, the Town will have the ability to set pricing policy relative to current energy market conditions in order to cover the cost of providing the amenity to the public. It is worth noting current parking meter rates (\$.50/hr.) will still apply. The EVSE would be bollard mounted, providing ports and cord management for two EVs at a time, and the designated parking spots would be striped and signed in accordance with industry standards. As a measure of EV-readiness, it is worth noting the underground electrical conduit will be oversized to accommodate possible system expansion in the future should the number of EVs, and the resultant demand for EVSE, continue to rise locally. Thank you for your consideration.

This corresponding amendment to Traffic Rules and Orders, Article V: Parking, discussed above will be necessary to ensure the spots are available for the intended use via an enforceable parking restriction:

Voted: That Article V, Section 15D of Traffic Rules and Orders be and is hereby amended as follows to add designated electric vehicle parking spaces:

Section 15D. REGULATIONS IN MUNICIPAL PUBLIC PARKING PLACES

(a) All existing statutes, rules, orders or regulations relative to the operation or use of vehicles shall apply insofar as they are applicable to Municipal Parking Places leased, owned or in any way under the control of the Town.

(b) TRANSFERRING MERCHANDISE IN MUNICIPAL PUBLIC PARKING PLACES PROHIBITED – No vehicle used or designed for the transportation of goods, wares, or merchandise shall park or stop in any parking area owned, leased or in any other way under the control of the Town for the purpose of loading or unloading, exchanging or transferring from or to said vehicle, goods wares or merchandise.

(c) PARKING OF COMMERCIAL VEHICLES LIMITED TO TWO (2) HOURS – No person shall park a trailer, tractor or any other vehicle specially designed for construction purposes or equipped to transport any materials or personal property and which vehicle has a maximum carrying capacity of over two thousand pounds within any public parking place at any time except that vehicles of the semi-convertible passenger type shall be permitted to park for a period not to exceed two (2) hours in any Municipal Public Parking Place owned, leased or in any other way under the control of the Town, unless express permission for special parking privileges is obtained from the Board of Selectmen.

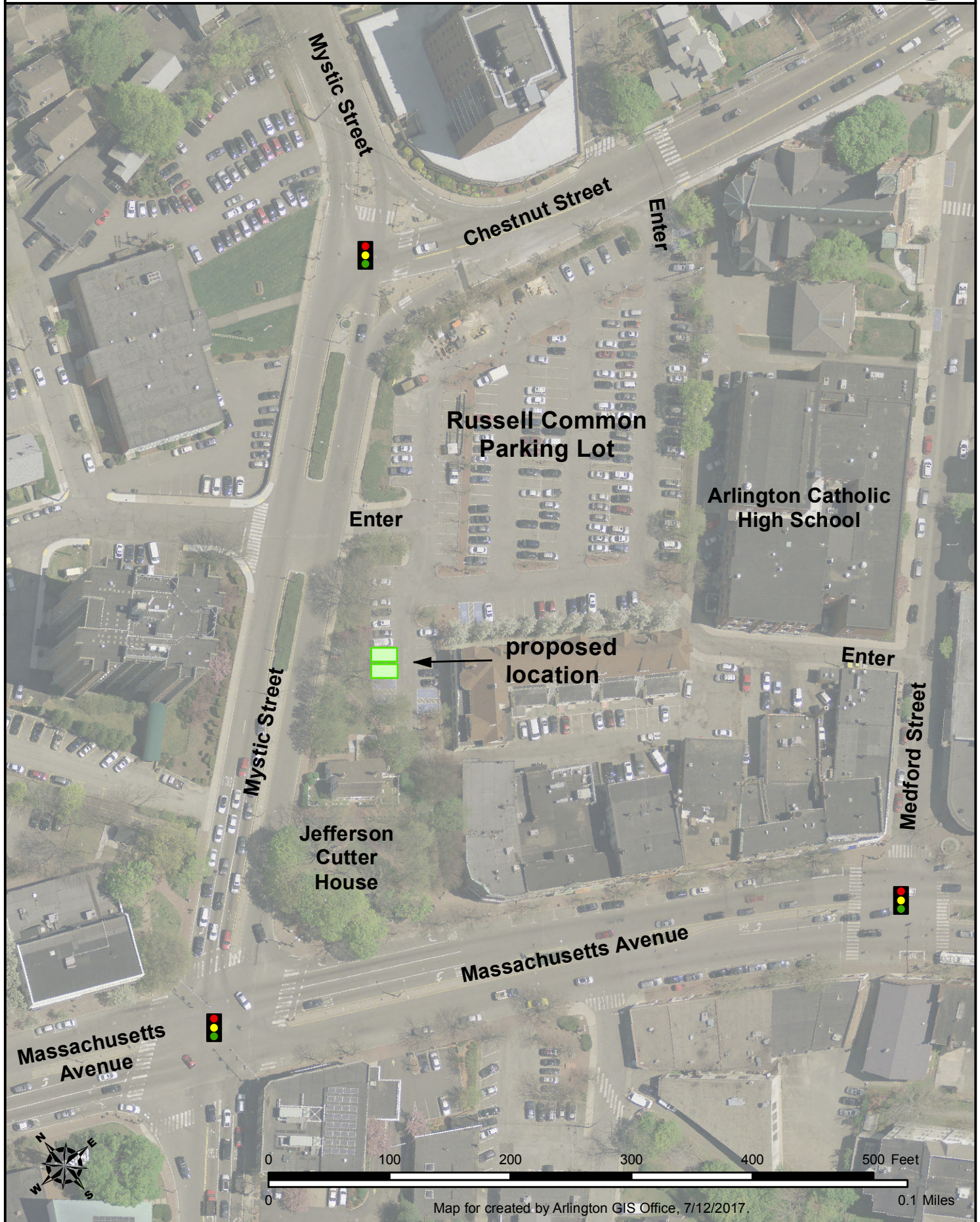
(d) In any Municipal Public Parking Place owned, leased or in any other way under the control of the Town, whether or not parking meters are installed therein, motor vehicles shall park wholly within a parking space duly designated for the parking of a vehicle by lines painted on the surface of the roadway and at no other place within said Municipal Public Parking Place.

(e) No parking in a town-owned lot that is posted for permit parking only, from 1:00 am through 7:00 am. Permit required

(f) No person shall stop, stand or park any vehicle other than an electric vehicle actively utilizing an electric vehicle charging station within any parking space marked or signed as reserved for “Electric Vehicle Parking Only While Charging.”

MassEVIP Workplace Charging Program Application

Russell Common Parking Lot | Arlington, MA





Town of Arlington, Massachusetts

Request for Approval: Parking Benefit District

Summary:

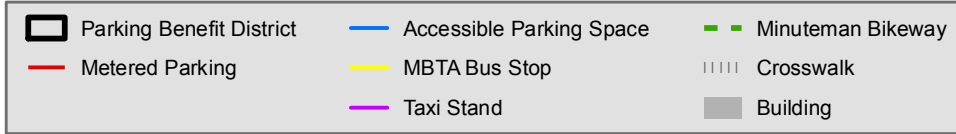
- a) Approval of District Map
 - b) Endorsement of District Spending Priorities
- Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	ParkingBenefitDistrict_map2017-06-28.pdf	District Map
▣ Reference Material	Parking_Benefit_Priority_Projects_(1).pdf	District Spending Priorities

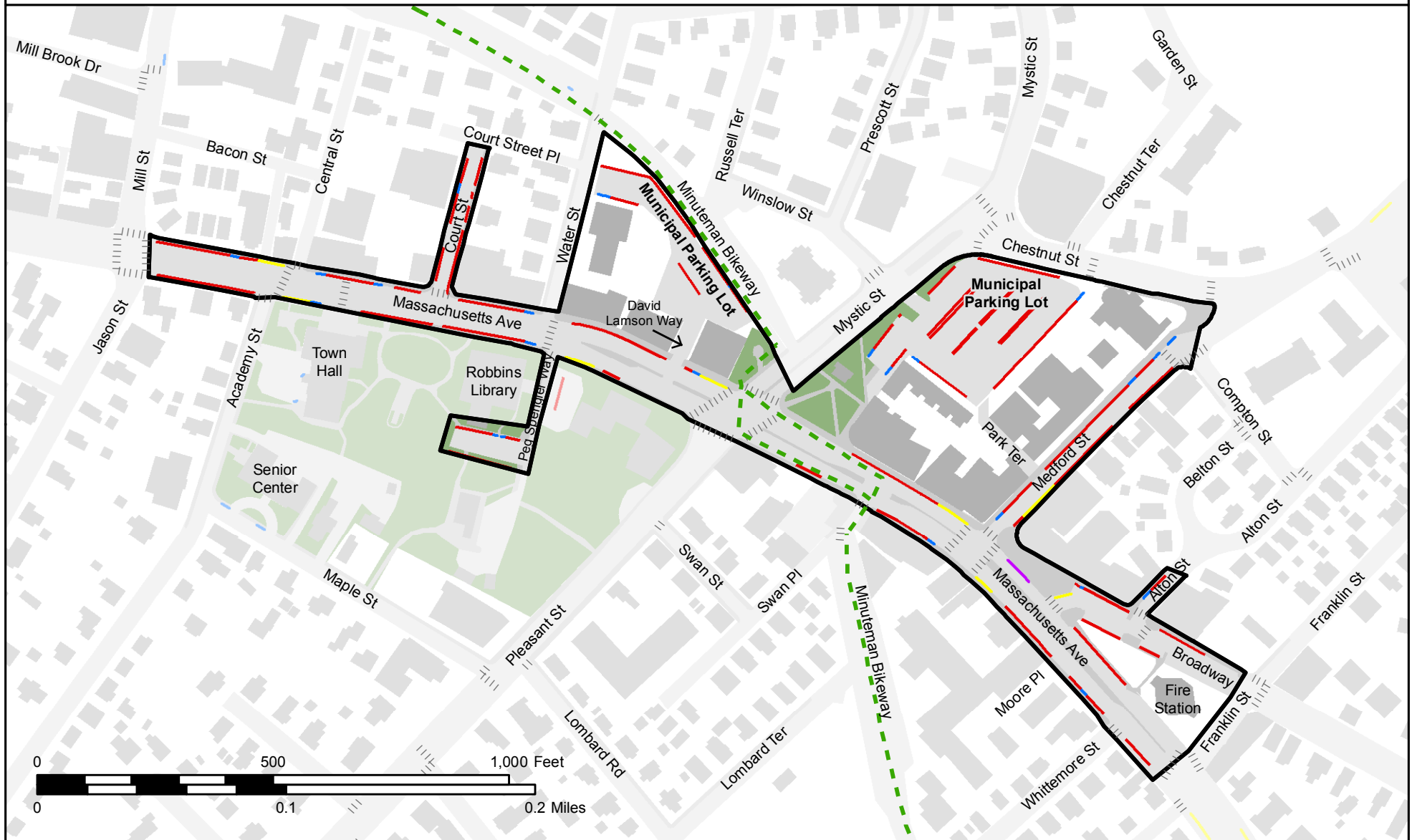
Parking Benefits District

Town of Arlington, MA



The information shown on this map is from the Arlington Geographic Information System (GIS) database and is intended for informational purposes only. The Town of Arlington has made reasonable efforts to ensure accuracy of the content, but does not guarantee the accuracy of the information. Users are responsible for determining its suitability for their intended use or purpose.

Map for planning purposes only, created by the Arlington GIS Office, last update 6/28/2017.



Parking Benefit District Priority Investments

Investment Description	Estimated Cost
Designing Improvements to Russell Common Lot including but not limited to lot layout, lighting, and tree canopy. This effort will also include designing improvements to Park Terrace, which connects the Russell Common Lot to Medford Street	\$40,000
Design Improvement to the Railroad Lot with a focus on lighting improvements. Part of this effort may include immediate replacement of broken light fixtures in the lot.	\$20,000
Implementing short-term improvement to Broadway Plaza. This effort will include improved/consolidated trash receptacles, new or refurbished benches, and removal of root buckled granite tree planters. General improvements to accessibility throughout the plaza will also be included in this effort.	\$20,000
Implementing a regular sidewalk sweeping/cleaning program.	\$20,000
Implementing enhanced sidewalk snow removal.	\$25,000
Repairing/replacing pedestrian scale lighting throughout the corridor where possible.	\$25,000
Total	\$150,000

Proposed Future Investments

In addition to the priorities outlined above, the PIGC also recommends future investment in various areas of Arlington Center. These recommendations include funding improvements as designed for the Russell Common Lot and the Railroad Lot, improving pedestrian access in and around Arlington Center, further improving the functionality of Broadway Plaza, improving bike amenities and facilities in Arlington Center, and investing in district beautification.



Town of Arlington, Massachusetts

Consideration and Vote: Climate Change Pledge

Summary:

Joseph A. Curro, Jr., Chair

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Ref_Mat_7.24.17_We_Are_Still_In.pdf	We Are Still In

WE ARE STILL IN

Open letter to the international community and parties to the Paris Agreement from U.S. state, local, and business leaders

We, the undersigned mayors, governors, college and university leaders, businesses, and investors are joining forces for the first time to declare that we will continue to support climate action to meet the Paris Agreement.

In December 2015 in Paris, world leaders signed the first global commitment to fight climate change. The landmark agreement succeeded where past attempts failed because it allowed each country to set its own emission reduction targets and adopt its own strategies for reaching them. In addition, nations - inspired by the actions of local and regional governments, along with businesses - came to recognize that fighting climate change brings significant economic and public health benefits.

The Trump administration's announcement undermines a key pillar in the fight against climate change and damages the world's ability to avoid the most dangerous and costly effects of climate change. Importantly, it is also out of step with what is happening in the United States.

In the U.S., it is local and state governments, along with businesses, that are primarily responsible for the dramatic decrease in greenhouse gas emissions in recent years. Actions by each group will multiply and accelerate in the years ahead, no matter what policies Washington may adopt.

In the absence of leadership from Washington, states, cities, colleges and universities, businesses and investors, representing a sizeable percentage of the U.S. economy will pursue ambitious climate goals, working together to take forceful action and to ensure that the U.S. remains a global leader in reducing emissions.

It is imperative that the world know that in the U.S., the actors that will provide the leadership necessary to meet our Paris commitment are found in city halls, state capitals; colleges and universities, investors and businesses. Together, we will remain actively engaged with the international community as part of the global effort to hold warming to well below 2°C and to accelerate the transition to a clean energy economy that will benefit our security, prosperity, and health.

Jump to section: [Cities and Counties](#) | [States](#) | [Higher Education](#) | [Businesses and Investors](#)

[Click here](#) to read full press release.

Companies, investors, mayors and governors wishing to add their name to the statement can do so by registering [here](#). Colleges and universities wishing to add their name can do so by registering [here](#).

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Bill De Blasio, Mayor of New York City
Kasim Reed, Mayor of Atlanta
Kirk Caldwell, Mayor of Honolulu
Martin J. Walsh, Mayor of Boston
Sylvester Turner, Mayor of Houston
Jackie Biskupski, Mayor of Salt Lake City
Roy D. Buol, Mayor of Dubuque
Steve Benjamin, Mayor of Columbia
Chris Coleman, Mayor of Saint Paul
Trish Herrera Spencer, Mayor of Alameda
Kathy Sheehan, Mayor of Albany
Allison Silberberg, Mayor of Alexandria
Ed Pawlowski, Mayor of Allentown
Jeanne Sorg, Mayor of Ambler
Terence Roberts, Mayor of Anderson
Christopher Taylor, Mayor of Ann Arbor
Van W. Johnson, Mayor of Apalachicola
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Jay Fisette, Chair, County Board of Arlington
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Hardie Davis, Jr., Mayor of Augusta
Steve Adler, Mayor of Austin
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Kevin Kamenetz, County Executive, Baltimore County (MD)

Dow Constantine, Executive of King County (WA)
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J. Richard Gray, Mayor of Lancaster
Pete Saenz, Mayor of Laredo
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Richard J. Kaplan, Mayor of Lauderhill
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Leslie Soden, Mayor of Lawrence
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Robert Garcia, Mayor of Long Beach
Dennis Coombs, Mayor of Longmont
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Kirsten Keith, Mayor of Menlo Park
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Tom Barrett, Mayor of Milwaukee
Mark Gamba, Mayor of Milwaukee
Betsy Hodges, Mayor of Minneapolis
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Richard Thomas, Mayor of Mount Vernon

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Denny Doyle, Mayor of Beaverton
Kelli Linville, Mayor of Bellingham
Jesse Arreguin, Mayor of Berkeley
Robert Donchez, Mayor of Bethlehem
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Carson Taylor, Mayor of Bozeman
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Lori Liu, Mayor of Brisbane
Brenda Hess, Mayor of Buchanan
Miro Weinberger, Mayor of Burlington
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Jennifer Roberts, Mayor of Charlotte
Mike Signer, Mayor of Charlottesville
Rahm Emanuel, Mayor of Chicago
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Mayor Cranley, Mayor of Cincinnati
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Brian Treece, Mayor of Columbia
Biff Traber, Mayor of Corvallis
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Jeffrey Cooper, Mayor of Culver City
Savita Vaidhyanathan, Mayor of Cupertino
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Clay Lewis Jenkins, County Judge of Dallas County
Michael Hancock, Mayor of Denver
Frank Cownie, Mayor of Des Moines
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Jason Leifer, Supervisor of Dryden
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William V. Bell, Mayor of Durham

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Setti Warren, Mayor of Newton
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Buddy Dyer, Mayor of Orlando
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Jack Thomas, Mayor of Park City
Jim Kenney, Mayor of Philadelphia
Greg Stanton, Mayor of Phoenix
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Ed Lee, Mayor of San Francisco
Sam Liccardo, Mayor of San Jose
Pauline Cutter, Mayor of San Leandro
Gary Phillips, Mayor of San Rafael
Helene Schneider, Mayor of Santa Barbara
Javier Gonzales, Mayor of Santa Fe

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Salvatore J. Panto, Jr., Mayor of Easton
Nancy Tyra-Lukens, Mayor of Eden Prairie
David Kaptain, Mayor of Elgin
Scott Donahue, Mayor of Emeryville
Catherine Blakespear, Mayor of Encinitas
Frank Huttie III, Mayor of Englewood
Mark Poloncarz, Erie County Executive
Lucy Vinis, Mayor of Eugene
Stephen H. Hagerty, Mayor of Evanston
Michael C. Tetreau, First Selectman, Fairfield (CT)
Ed Malloy, Mayor of Fairfield (IA)
Ray Stephanson, Mayor of Everett
Lionel Jordan, Mayor of Fayetteville
Wade Troxell, Mayor of Fort Collins
Jack Seiler, Mayor of Fort Lauderdale
Tom Henry, Mayor of Fort Wayne
Lily Mei, Mayor of Fremont
Jud Ashman, Mayor of Gaithersburg
Peter Benjamin, Mayor of Garrett Park
Bryan Kennedy, Mayor of Glendale
Rosalynn Bliss, Mayor of the City of Grand Rapids
Steve Maas, Mayor of Grandville
Sheila Morse, Selectboard Chair of Guilford
Peter Swiderski, Mayor of Hastings-on-Hudson
Shaun McCaffery, Mayor of Healdsburg
Nancy Rotering, Mayor of Highland Park
Dawn Zimmer, Mayor of Hoboken
Joe Hogsett, Mayor of Indianapolis
Jim Throgmorton, Mayor of Iowa City
Svante Myrick, Mayor of Ithaca
Steven M. Fulop, Mayor of Jersey City
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Sly James, Mayor of Kansas City
Bernard Carvalho, Mayor of Kauai

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Gary R. McCarthy, Mayor of Schenectady
Ed Murray, Mayor of Seattle
Matt Larson, Mayor of Snoqualmie
Mike Nichols, Mayor of Solana Beach
Joe Curtatone, Mayor of Somerville
Shirlee Zane, Chairwoman of Sonoma County, California Board of Supervisors
Pete Buttigieg, Mayor of South Bend
Philip Stoddard, Mayor of South Miami
Lyda Krewson, Mayor of St. Louis
Rick Kriseman, Mayor of St. Petersburg
Glenn Hendricks, Mayor of Sunnyvale
Daniel E. Dietch, Mayor of Surfside
Timothy Kearney, Mayor of Swarthmore
Stephanie A. Miner, Mayor of Syracuse
Kate Stewart, Mayor of Takoma Park
Darby Stricker, Mayor of Talent
Andrew Gillum, Mayor of Tallahassee
Bob Buckhorn, Mayor of Tampa
Mohammed Hameeduddin, Mayor of Teaneck
Mark Mitchell, Mayor of Tempe
Michael E. Lane, Chair of Tompkins County Legislature (NY)
Jonathan Rothschild, Mayor of Tucson
Carol Dutra-Vernaci, Mayor of Union City (CA)
Brian Stack, Mayor of Union City (NJ)
Shelley Welsch, Mayor of University City
Muriel Bowser, Mayor of Washington, DC
Joli McCathran, Mayor of Washington Grove
John Heilman, Mayor of West Hollywood
Jeri Muoio, Mayor of West Palm Beach
Christopher Cabaldon, Mayor of West Sacramento
Shawn Mauck, Mayor of West York Borough
Jim Marpe, First Selectman, Westport (CT)
Thomas Roach, Mayor of White Plains

Nina Jonas, Mayor of Ketchum

Debora Fudge, Mayor of the Town of Windsor

Allen Joines, Mayor of Winston-Salem

Mike Spano, Mayor of Yonkers

STATES

State of California

State of Oregon

State of Connecticut

State of Rhode Island

State of Hawaii

Commonwealth of Virginia

State of New York

State of Washington

State of North Carolina

HIGHER EDUCATION

Christine Riordan, President of Adelphi University

Joseph Aoun, President of Northeastern University

Raymond Crossman, President of Adler University

Carmen Fernandez, President of Northern Marianas College

Elizabeth Kiss, President of Agnes Scott College

John Jasinski, President of Northwest Missouri State University

Bruce Leslie, Chancellor of Alamo Colleges

Peter Hsieh, President of Northwestern

James Mullen, President of Allegheny College

Polytechnic University

Sylvia Burwell, President of American University

Morton Schapiro, President of Northwestern University

Carolyn Martin, President of Amherst College

Marylou Yam, President of Notre Dame of Maryland University

Sara Wenger Shenk, President of Anabaptist Mennonite Biblical Seminary

Marvin Krislov, President of Oberlin College

Thomas Manley, President of Antioch College (OH)

Jonathan Veitch, President of Occidental College

Melinda Treadwell, Provost of Antioch University New England

Lawrence Schall, President of Oglethorpe University

Michael Crow, President of Arizona State University

M. Duane Nellis, President of Ohio University

Paul Pribbenow, President of Augsburg College

Rockwell Jones, President of Ohio Wesleyan University

Marjorie Hass, President of Austin College	Joseph Robertson, President of Oregon Health & Science University
Leon Botstein, President of Bard College	Edward Ray, President of Oregon State University
Robert Goldberg, Interm President of Barnard College	Stephen Friedman, President of Pace University-New York
Clayton Spencer, President of Bates College	Allan Belton, President of Pacific Lutheran University
Mariko Silver, President of Bennington College	Thomas Ramage, President of Parkland College
Lyle Roelofs, President of Berea College	Rajen Vurdien, President of Pasadena City College
Ellen Kennedy, President of Berkshire Community College	Cathy Dove, President of Paul Smith's College
Robert Kustra, President of Boise State University	Eric Barron, President of Pennsylvania State University
Glen LeRoy, President of Boston Architectural College	Melvin Oliver, President of Pitzer College
Robert Brown, President of Boston University	David Oxtoby, President of Pomona College
Clayton Rose, President of Bowdoin College	Mark Mitsui, President of Portland Community College
Mickey Burnim, President of Bowie State University	Wim Wiewel, President of Portland State University
Ronald Liebowitz, President of Brandeis University	John Flicker, President of Prescott College
John Sbrega, President of Bristol Community College	Thomas Schwarz, President of Purchase College, State University of New York
Thom Chesney, President of Brookhaven College	Carlee Drummer, President of Quinebaug Valley Community College
J. David Armstrong, Jr., President of Broward College	Peter Mercer, President of Ramapo College of New Jersey
Kimberly Cassidy, President of Bryn Mawr College	Bradley Bateman, President of Randolph College
John Bravman, President of Bucknell University	Rosanne Somerson, President of Rhode Island School of Design
Katherine Conway-Turner, President of Buffalo State College, SUNY	William Troutt, President of Rhodes College
Samia Yaqub, President of Butte College	Gregory Dell'Omo, President of Rider University
Judie Wexler, President of California Institute of Integral Studies	Michael Viollet, Chancellor of Robert Morris University (Illinois)
Christopher Kimball, President of California Lutheran University	William Destler, President of Rochester Institute of Technology
Jeffrey Armstrong, President of California Polytechnic State University-San Luis Obispo	

Soraya Coley, President of California State Polytechnic University-Pomona	Donald Farish, President of Roger Williams University
Mildred Garcia, President of California State University-Fullerton	Ali Malekzadeh, President of Roosevelt University
Timothy White, Chancellor of California State University System	Phoebe Haddon, Chancellor of Rutgers the State University of New Jersey Camden Campus
Horace Mitchell, President of California State University-Bakersfield	Nancy Cantor, Chancellor of Rutgers the State University of New Jersey Newark Campus
Erika Beck, President of California State University-Channel Islands	Robert Barchi, President of Rutgers, The State University of New Jersey
Gayle Hutchinson, President of California State University-Chico	James Dlugos, President of Saint Joseph's College of Maine
Leroy Morishita, President of California State University-East Bay	Jack Calareso, President of Saint Joseph's College, New York
Jane Conoley, President of California State University-Long Beach	John Neuhauser, President of Saint Michael's College
William Covino, President of California State University-Los Angeles	Eugene Cornacchia, President of Saint Peter's University
Eduardo Ochoa, President of California State University-Monterey Bay	Janet Dudley-Eshbach, President of Salisbury University
Dianne Harrison, President of California State University-Northridge	Mary Papazian, President of San Jose State University
Robert Nelsen, President of California State University-Sacramento	Stephen Sundborg, S.J., President of Seattle University
John Cox, President of Cape Cod Community College	Michael Engh, S.J., President of Santa Clara University
Barbara Snyder, President of Case Western Reserve University	Cheryl Roberts, President of Shoreline Community College
Gregory Smith, President of Central Community College	Helen Drinan, President of Simmons College
Bernard Ploeger, President of Chaminade University of Honolulu	Kathleen McCartney, President of Smith College
Donald Laackman, President of Champlain College	Joe Bertolino, President of Southern Connecticut State University
William Guerriero, Interim President of Chandler-Gilbert Community College	Paul LeBlanc, President of Southern New Hampshire University
David Finegold, President of Chatham University	Linda Schott, President of Southern Oregon University

Barbara Viniar, President of Chesapeake College

James Milliken, Chancellor of City University of New York (CUNY)

David Angel, President of Clark University

Anthony Collins, President of Clarkson University

Grafton Nunes, President of Cleveland Institute of Art

Ronald Berkman, President of Cleveland State University

David McNally, President of Coe College

Brian Casey, President of Colgate University

Mary Dana Hinton, President of College of Saint Benedict

Darron Collins, President of College of the Atlantic

Philip Boroughs, President of College of the Holy Cross

Lee Bollinger, President of Columbia University

Katherine Bergeron, President of Connecticut College

Laura Sparks, President of Cooper Union

Maria Thompson, President of Coppin State University

Carol Quillen, President of Davidson College

Stuart Baron, President of Delaware College of Art and Design

Jean Goodnow, President of Delta College

Adam Weinberg, President of Denison University

Neil Weissman, Acting President of Dickinson College

John Fry, President of Drexel University

Elsa Núñez, President of Eastern Connecticut State University

Mary Cullinan, President of Eastern Washington University

David Evans, President of Southern Vermont College

Mary Campbell, President of Spelman College

Tuajuanda Jordan, President of St. Mary's College of Maryland

Nancy Zimpher, Chancellor of State University of New York (SUNY)

James Stellar, Interim President of State University of New York at Albany

Donald Christian, President of State University of New York at New Paltz

Samuel Stanley, President of State University of New York at Stony Brook

Erik Bitterbaum, President of State University of New York College at Cortland

Deborah Stanley, President of State University of New York College at Oswego

Quentin Wheeler, President of State University of New York College of Environmental Science and Forestry

Scott Evenbeck, President of Stella and Charles Guttman Community College

Nariman Farvardin, President of Stevens Institute of Technology

Harvey Kesselman, President of Stockton University

Kristine Young, President of SUNY Orange

L. Jay Lemons, President of Susquehanna University

Valerie Smith, President of Swarthmore College

Kent Syverud, Chancellor & President of Syracuse University

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Sarah Bolton, President of The College of Wooster

Donald Eastman, President of Eckerd College	Steven Knapp, President of The George
Carl Strikwerda, President of Elizabethtown	Washington University
College	David Van Zandt, President of The New School
Lee Pelton, President of Emerson College	Kim Schatzel, President of Towson University
Janet Eisner, President of Emmanuel College	Joanne Berger-Sweeney, President of Trinity
Jake Schrum, President of Emory & Henry	College
College	Patricia McGuire, President of Trinity
John Nader, President of Farmingdale State	Washington University
College	Karin Hilgersom, President of Truckee
Mark Rosenberg, President of Florida	Meadows Community College
International University	Anthony Monaco, President of Tufts University
Joseph McShane, President of Fordham	Stephen Ainlay, President of Union College
University	(NY)
F. Javier Cevallos, President of Framingham	Melik Khoury, President of Unity College
State University	Kurt Schmoke, President of University of
Daniel Porterfield, President of Franklin &	Baltimore
Marshall College	Janet Napolitano, President of University of
Ronald Nowaczyk, President of Frostburg State	California
University	Nicholas Dirks, Chancellor of University of
Elizabeth Davis, President of Furman University	California, Berkeley
Angel Cabrera, President of George Mason	Ralph Hexter, Interim Chancellor of University
University	of California, Davis
Joseph Marbach, President of Georgian Court	Howard Gillman, Chancellor of University of
University	California, Irvine
Janet Morgan Riggs, President of Gettysburg	Gene Block, Chancellor of University of
College	California, Los Angeles
Robert Kenny, Interim President of Goddard	Dorothy Leland, Chancellor of University of
College	California, Merced
James Brenneman, President of Goshen	Kim Wilcox, Chancellor of University of
College	California, Riverside
José Bowen, President of Goucher College	Pradeep Khosla, Chancellor of University of
Robert Pura, President of Greenfield	California, San Diego
Community College	Sam Hawgood, Chancellor of University of
Robert Allen, President of Green Mountain	California, San Francisco
College	Henry Yang, Chancellor of University of
Raynard Kington, President of Grinnell College	California, Santa Barbara
Jane Fernandes, President of Guilford College	George Blumenthal, Chancellor of University of
Jonathan Lash, President of Hampshire College	California, Santa Cruz

Kimberly Benston, President of Haverford College

Nancy Gray, President of Hollins University

Lisa Rossbacher, President of Humboldt State University

Alan Cramb, President of Illinois Institute of Technology

Jerry Corcoran, President of Illinois Valley Community College

Benjamin Allen, Interim President of Iowa State University

Thomas Rochon, President of Ithaca College

James Troha, President of Juniata College

Jorge Gonzalez, President of Kalamazoo College

Dawood Farahi, President of Kean University

Anne Huot, President of Keene State College

Leslie Bellavance, President of Kendall College of Art and Design of Ferris State University

Sean Decatur, President of Kenyon College

Jorge Diaz-Herrera, President of Keuka College

Alison Byerly, President of Lafayette College

Linda Lujan, President of Lamar Community College

Mary Spilde, President of Lane Community College

Linda LeMura, President of Le Moyne College

Lewis Thayne, President of Lebanon Valley College

John Simon, President of Lehigh University

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David Livingston, President of Lewis University

Thomas Hellie, President of Linfield College

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Charles Ambrose, President of University of Central Missouri

Susan Herbst, President of University of Connecticut

Eric Spina, President of University of Dayton

Dennis Assanis, President of University of Delaware

Rebecca Chopp, Chancellor of University of Denver

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Helen Cox, Chancellor of University of Hawai'i Kaua'i Community College

David Lassner, President of University of Hawai'i System

J. Bruce Harreld, President of University of Iowa

Jay Perman, President of University of Maryland Baltimore

Freeman Hrabowski III, President of University of Maryland Baltimore County

Donald Boesch, President of University of Maryland Center for Environmental Science

Wallace Loh, President of University of Maryland College Park

Juliette Bell, President of University of Maryland Eastern Shore

Javier Miyares, President of University of Maryland University College

Martin Meehan, President of University of Massachusetts

Kumble Subbaswamy, Chancellor of University of Massachusetts Amherst

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Peyton Randolph Helm, Interim Chancellor of University of Massachusetts Dartmouth

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New Orleans
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Michael Cooper-White, President of Lutheran
Theological Seminary at Gettysburg
Brian Rosenberg, President of Macalester
College
Kevin Quigley, President of Marlboro College
Samuel Hoi, President of Maryland Institute
College of Art
Melody Rose, President of Marylhurst
University
Matthew Shank, President of Marymount
University
David Podell, President of Massachusetts Bay
Community College
David Nelson, President of Massachusetts
College of Art and Design
James Birge, President of Massachusetts
College of Liberal Arts
Lou Anna Simon, President of Michigan State
University
Laurie Patton, President of Middlebury College
John Anderson, President of Millersville
University of Pennsylvania
Grey Dimenna, President of Monmouth
University
Susan Cole, President of Montclair State
University
Bryon Grigsby, President of Moravian College
Sonya Stephens, Acting President of Mount
Holyoke College
H. James Williams, President of Mount St.
Joseph University
Debra Derr, President of Mt. Hood Community
College
John Williams, President of Muhlenberg
College

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Massachusetts Lowell
Julio Frenk, President of University of Miami
Michelle Behr, Chancellor of University of
Minnesota-Morris
Mark Huddleston, President of University of
New Hampshire
Steven Kaplan, President of University of New
Haven
Michael Schill, President of University of
Oregon
David Dooley, President of University of Rhode
Island
Ronald Crutcher, President of University of
Richmond
Ronald Crutcher, President of University of
Richmond
Julie Sullivan, President of University of Saint
Thomas
Paul Fitzgerald S.J., President of University of
San Francisco
Harris Pastides, President of University of
South Carolina Columbia
Ronald Mason, Jr., President of University of
the District of Columbia
Ana Mari Cauce, President of University of
Washington
Bernie Patterson, Chancellor of University of
Wisconsin-Stevens Point
Robert Caret, Chancellor of University System
of Maryland
Jonathan Chenette, President of Vassar
College
Thomas Greene, President of Vermont College
of Fine Arts
Marc Mihaly, President and Dean of Vermont
Law School

Charles Lief, President of Naropa University
 Daan Braveman, President of Nazareth College
 Milan Milasinovic, President of New England
 Culinary Institute
 Kent Devereaux, President of New Hampshire
 Institute of Art
 Sue Henderson, President of New Jersey City
 University
 Joel Bloom, President of New Jersey Institute of
 Technology
 Michael Young, President of New York Film
 Academy
 Andrew Hamilton, President of New York
 University
 Christa Slejko, President of North Lake College
 Patricia Gentile, President of North Shore
 Community College
 Mark Erickson, President of Northampton
 Community College

Peter Donohue, President of Villanova
 University
 Scott Miller, President of Virginia Wesleyan
 College
 Nathan Hatch, President of Wake Forest
 University
 Steven Solnick, President of Warren Wilson
 College
 Paula Johnson, President of Wellesley College
 Jonathan Gibraltar, President of Wells College
 Michael Roth, President of Wesleyan University
 John Dunn, President of Western Michigan
 University
 Rex Fuller, President of Western Oregon
 University
 Lee Rasch, President of Western Technical
 College
 Sabah Randhawa, President of Western
 Washington University
 Dennis Hanno, President of Wheaton College
 (MA)
 Kathleen Murray, President of Whitman College
 Kathleen Waldron, President of William
 Paterson University of New Jersey
 Adam Falk, President of Williams College
 Richard Helton, Interim President of Wittenberg
 University
 Laurie Leshin, President of Worcester
 Polytechnic Institute
 Barry Maloney, President of Worcester State
 University

BUSINESSES AND INVESTORS

1000watt

DOER Marine

Liz Muller & Partners

Silver Squid Music

1908 Brands, Inc.

LMK Brands

Simple Energy

196 LLC	Domini Impact Investments LLC	Loads O' Fun	simuwatt Inc.
2 Point Perspective: Architecture	Dominican Sisters of Hope	Longhorn Solar	Sisters of Bon Secours, USA
2050 Partners, Inc.	Dominican Sisters of Sparkill	Loom Decor	Sisters of Charity of St. Vincent de Paul of New York
20spokes	Dominican Sisters Racine WI	Loon Mountain	Sisters of Charity, BVM
22 Designs	Dominio IV Wines	Lora & Martin Kelley Family Foundation	Sisters of Charity, Halifax
23andMe	DoneGood	Loring, Wolcott & Coolidge	Sisters of Notre Dame de Namur, USA
247Solar Inc.	Dopper	Los Angeles Cleantech Incubator (LACI)	Sisters of Our Lady of Christian Doctrine
3Advance	Dr. Brite	Lotus Foods, Inc.	Sisters of Saint Joseph
3Degrees	Dr. Bronner's Magic Soaps	LUBA Gift Shop & Art Studio	Sisters of Saint Dominic of Blauvelt, NY
3rd Rock Data, Inc.	Dress It Up Dressing	lululemon	Sisters of St. Francis of Philadelphia
3Scan	Dropbox	Luminalt	Sisters of St. Joseph
475 High Performance Building Supply	Dwight Hall Socially Responsible Investment Fund	Lyft	Sisters of the Humility of Mary
5 Lakes Energy	Dynamikspace, Inc.	M&E Engineers, Inc.	Sisters of the Presentation of the BVM, Aberdeen SD
7group	e-DonorCare Technologies, Inc	MAANUKA Consulting	SJF Ventures
7th Generation Labs	Eagle Creek	Machado Maxillofacial Surgery	Skanska USA Inc.
7X Energy	Eagle Strategies	MaCher	Ski Butlers
900 Degrees	Earth Equals, Inc.	Mack Weldon	Ski Depot, Inc.
Neapolitan Pizzeria	Earth Equity Advisors	Maclay Architects	SkilRoute (RandomWalk Innovations Inc.)
A Cheerful Note Cellars	Earth Friendly Products	Macroclimate LLC	Skyline Bear Valley Resorts
A to Z Wineworks	Earth Steward Consulting	Macson Investments	SkyPower Global
A Walk in the Woods	EarthKind Energy	Mag10 Media	Smart Energy Decisions
A.I.R. Natural, Organic Lawn Care & Sustainable Landscaping Services	Earthly Ideas LLC	MagicHour Films, Inc.	Smartwool Corporation
A&R Solar	EarthShift Global	Malachite LLC	
AAQIUS	Earthy, LLC	Mama Bear Birth Arts	
Abeille Homes	Eastern Bank	Manaaki	
Accurate Accessories, LLC	Eave	Management Resources	
Ace Natural	eBay	Mangrove Web Development	
Acer America Corporation	Echo Credits	Manhattan Holistic Chamber of Commerce	

Adelante Consulting, Inc.	Eclipse Services, A Division of Quadrivium, Inc.	ManpowerGroup	SMASHsolar
Addison County Independent	Eco Malibu Design	Manstan Consultants	Snap Inc.
Adidas	Eco Promotional Products, Inc.	Mapbox	Snow Ridge Resort
Admix, Inc.	ECO-OS Inc.	Maple Craft Foods	Snowbird
Adobe	Eco-Products	Marcolt LLC	Snowshoe Mountain, Inc.
Adrian Dominican Sisters, Portfolio Advisory Board	Ecobutterfly Organics	Market 8 - A Growth Optimization Agency	Social Justice Committee, UU Congregation at Shelter Rock
Adventive	EcoConsulting	Market Dynamics	Social(k) Inc.
AdventureCORPS, Inc.	Ecodeo	Market LOHAS (Lifestyle Of Health And Sustainability)	Socially Responsible Investment Coalition
Adzerk	EcoPlum	Marqeta, Inc.	Society of St Ursula
Aegis Renewable Energy	Ecosystems Group, Inc.	Mars, Incorporated	Soda Springs Ski Resort
Affinity Flavors	Edelmann Love Properties, Inc	Marshall Street Management	Sojourn Partners
Aggie Writing Services	EDF Group	Maryknoll Sisters	Sol agua terra, inc
Agrilyst	Edison International	Massanutten Resort	Sol Coast Consulting & Design, LLC
Airbnb	Eighty2degrees Design Studio	Matter Unlimited	Sol Systems
Alameda Natural Grocery	EILEEN FISHER	Mazzetti	Solar Design Associates
Alegria Partners	Eisenberg & Fouts, P.A.	McKnight Foundation	Solar Mowing
Aleva Stores	Elbe's Edibles	McPherson Strategies, LLC	Solar Works
All Good	Eldora Mountain Resort	Media4Green	Solar4America, PetersenDean
AllEarth Renewables, Inc.	Elemental Energy	Meetup	SolarReserve
Allgood Provisions	Elevation Energy & Communications	Merck Family Fund	Solberg MFG
Allianz SE	Elevation Pictures Photo/Video	Mercury Press International	SolEd Benefit Corp
Allied Resources Collective	Elk Packaging	Mercy Health	Solid Angle Productions
Allotrope Partners	Elevation Pictures Photo/Video	Mercy Investment Services	Sonen Capital
Alnical LLC	Elle Communications	Merge4	Sonoma Clean Power
Aloha bling	Emerger Strategies	Metro Paws LLC	Sons and Daughters Farm
AlphaGlider LLC	Emilygrene Corp.	Metropolitan Group	SoundCloud Inc.
Alpine Enterprises Inc.	Emmy's Organics, Inc.	Metrus Energy, Inc.	Source Code, LLC.
Alter Eco	Empower Digital	MH Immigration Consulting	
Alter Eco Foods	Emzingo Group	Michael W. Grainey Consulting, LLC	

Alternabiotics	Encore Renewable Energy	Microgrid Energy	Source
Amalgamated Bank	Encourage Capital	Microgrid Investment Accelerator	Communications LLP
Amavida Coffee and Trading Company	Endosys	Microsoft	Source of Security
Amazon	Endurance Capital Partners, LLC	Middleton Arts Management	Sourcepoint Technologies
Ambata Capital, LLC	Energineers	Midland Machinery Co., Inc.	South Carolina Small Business Chamber of Commerce
Ambatalia	Energy 350 Inc.	Mightybytes	South Salem Cycleworks
Ambient Energy	Energy Studio, Inc.	Millennium Microgrid	Southern Current
AMD	EnergySage	Miller/Howard Investments, Inc.	Southern Energy Management
Ameresco, Inc.	EnergyWorks	Millyard Communications	Soveren Solar
American Outdoor Products, Inc.	enso collaborative	mindbodygreen	Spector and Associates
American Reading Company	Enviro-Stewards Inc.	MindEase Billing	SPEEDILICIOUS
Amicus Green Building Center, LLC	Environment & Enterprise Strategies	Mirova	Spin
Amicus Solar Cooperative	Environmental & Public Health Consulting	Missy J's Snacks + Treats	Splice
Amper Music	Environmental Dynamics, Inc.	MMercer Consulting	Spotify USA Inc.
Amy's Kitchen	enVision Technologies Inc.	Modavanti	Spotlight Solar
Anderson Family Vineyard	Envizi	Modern Species	Square Organics
Angstrom Science Inc.	Epic Capital Wealth Management	MOM's Organic Market	Squarespace, Inc.
Annie's, Inc.	EPIC Provisions	Monadnock Food Co-op	Squaw Valley Ski Holdings
AnthemWild	Equilibrium Services Group, Inc.	MongoDB	Stage Right Organizational Development, In.
Anthesis Group	Ericsson	Moontrail	Stakeholders Capital
Anthropocene Institute	Espresso Parts	Moore Capital Management	Stance Capital
Antonelli's Cheese LLC	Essex Investment Management, LLC	MooreBetterFood	Starbucks Coffee Company
Aphra Communications	Estriatus Law, PC	Moravec Labs	Starting Line Physical Therapy
Appalachian Ski Mtn. Inc.	Estuary Capital	Morning Glory Chai	State Treasurer of Maryland
Appalachian Tails	Ethical Bean Coffee	Mother E, LLC	STAY VOCAL
Apple	Ethical Markets Media Certified B Corp.	Motivate	Sterner Insurance
Applied Sustainability Group	Etho Capital	Mountain Gear	
AppNexus		Mountain High Resort	

Apricus Solar Hot Water	Ethos Capital Realty Partners	Mountain Rider's Alliance	Steve Harvey Law LLC
Aquorn, Inc.	Etsy, Inc.	MovingWorlds	Stevens Pass Mountain Resort
Arapahoe Basin	Evangelical Lutheran Church in America	Mt Bachelor LLC	STOKE Certified
Arcadis	Evelina Eco Events	Mt. Hood Meadows Ski Resort	StoneWork Capital
Arch Systems	Everence and the Praxis Mutual Funds	MU/DAI	Stonyfield
Arctic Solar Ventures Corporation	Evergreen Consulting & Training	Mullaney's Fish Markets	Storelli Sports
Arjuna Capital	Evergreen Sustainability, LLC	Mundell & Associates, Inc.	Stormwater Maintenance & Consulting
Arkadium	Every Square Inch Home Inspections, LLC	mvWiFi, llc	Strategic Rise Partners
Arkados Group, Inc.	Evian	My Trail Company	Straten Consulting
Arkin Tilt Architects	Evolution Marketing	MyFlightbook	Stratton Search Partners
Armstrong Design Office	evox OmniMedia, PBC	Namaste Solar Electric	Stratus Building Solutions
Aroma Naturals	Ewers Architecture	Namu Baru Inc.	Strava, Inc.
Artemis Water Strategy	extendYoga	NASW, SC Chapter	Stream Design Landscape Architecture
As You Sow	F. Michael Montgomery, LCSW, LMFT	Nathan Cummings Foundation	Strugatz Ventures Inc.
Aslan Brewing Company	Fab Commerce and Design, Inc.	National Car Charging LLC	Studio Galison
Aspen Brewing Company	Facebook	National Co+op Grocers	Sugarbush Resort
Aspen Skiing Company	Farmers Restaurant Group	National Latino Farmers & Ranchers Trade Association	SugarCRM
Asperger Experts LLC	Fattail Financial Advisory Group Inc	National Ski Areas Association	Sun Light & Power
Assistant Solar LLC	Felican Sisters of North America	Native Eyewear	Sun Tribe Solar
AstraPoint Enterprises	Feral Mountain Co.	Native, Inc.	SunCommon
At the Epicenter	Fetzer Vineyards	Natixis Asset Management	Sunlight Electric, LLC
Atelier Ten	FFI	Natural Capital Partners	Sunpower by Positive Energy Solar
Athens Impact Socially Responsible Investments	Fiberactive Oranics, LLC	Natural Habitat Adventures	Sunsprout Farms of Central Ohio LLC
Atlas Principals LLC	Fibonacci Media Co.	Natural Habitats USA	SUP Kentucky
Aunt Bertha	Fieldlens	Natural Investments	Surface LLC
Aurora Interior Design		Nau International	Sustain Natural
Autodesk			SustainAbility
Avalon Enterprises Inc			

Aveda	Fieldstone Publishing	Naughton Braun	Sustainability and Impact Investing Group of Rockefeller & Co.
Avery Dennison	Filson and Rohrbacher PLLC	NDPoint Strategies	
AVG		NeedsList, PBC	
Avvo	Filtrine Manufacturing Company	Neighborhood Sun	Sustainability Dashboard Tools
AW Bernard, Inc.	Fireclay Tile	Nelumbo	Sustainability Forever
Azzad Asset Management	Firefly Chocolate	NEMO Equipment	Sustainability Solutions LLC
B Lab	First Affirmative Financial Network	Nest Labs	Sustainability Today
B.E.S.T.	Fission Strategy	Nestlé U.S.	
Backyard Bounty	Flink Energy Consulting	Netflix Inc.	Sustainable Action Consulting PBC
Badger	Florida Eco Products	NetRaising	Sustainable Brands
Badger Maps	Footprint Power LLC	Nettleton Strategies	Sustainable Business Consulting
Bamboo Living	Forest City New York	Neurovations Clinical Research	Sustainable Business Partners LLC
BamCore LLC	Formata	New Belgium Brewing	Sustainable Capital, LLC
Bard Rao + Athanas Consulting Engineers LLC.	Forward Philanthropy	New York City Office of the Comptroller	Sustainable Choices, LLC
Bario Neal Jewelry	Four Twenty Seven	NewLevel Group, LLC	Sustainable Design Consulting, LLC
Barrett International Technology Incorporated	Foursquare	NewsCred	Sustainable Food Lab
BASF	Framework LLC	Next 15	Sustainable Food News
Basso Capital Management	Franciscan Sisters of Allegany NY	NEXTracker	Sustainable Furnishings Council
BCK Law, P.C.	Fred Thomas Resort Inc.	Nia Impact Advisors, LLC	Sustainable Health Solutions Inc.
Beautycounter	Friends Fiduciary Corporation	NIKE	Sustainable Investment Group (SIG)
Beechleaf Design	Full Picture	NK Architects	Sustainable Museums
BELKIS Consulting, LLC	FullCycle Energy LP	No Typical Moments	Sustainable Source Studios
Bella Luna Toys	Fully	Norcoast Marine Surveyors, Inc.	Sustainably Built
Ben & Jerry's	Futerra	Normandeau Associates, Inc	Sustainabody
Bent Paddle Brewing Co.	FUTUREMADE	North Berkeley Investment Partners	Sustrana
Bergsund DeLaney Architecture	Gaia Herbs	North Coast Organics	SVT Group
Beridan Naturals	Gale River Motel, LLC	Northeast Solar	
Better Building Works, LLC	Gallen Engineering LLC	NorthStar Asset Management, Inc.	
	Gap Inc.		
	Gara Landscapes, LLC		

Beyond Broth	Gaumenkitzel Restaurant	Northwest Coalition for Responsible Investment	SwellMinded
Beyond The Clinic	GCI General Contractors	Noyes Law Corporation	Sycamore Properties
Big Kid Science	Geelen Counterflow	NRG Energy, Inc.	Synapse International
Big Path Capital	Gelfand Partners Architects	Nth Power	T1C MOMANT
Big Sky Resort	General Assembly	Numa Marketing	Tahoe Sierra Transportation LLC
BioDigital, Inc	Generate Capital, Inc.	Nurx	Tailor Maids
Biohabitats, Inc	Geoscape Solar	Nutiva	Taos Ski Valley, Inc.
Biomimicry 3.8	GI Energy	Oasis Montana Inc.	Taproot Security
Biositu, LLC	Gladstone Group	Oberon Fuels, Inc.	Target
Bisbee Food Co-op	Global Organics	Objective Consulting, Inc.	Teadora Beauty
Bloomberg LP	Global Shokunin	Ocean View Enterprises	Teague Hopkins Group
Blue Apron	Globel� Energy	Octagon Builders	Teak Media + Communication
Blue Brook Architecture, Inc.	GlobeScan	Odell Brewing	Team Exponent
Blue Cross Blue Shield of Massachusetts	Go Sustainable Energy, LLC	OEM Energy Services	Tech Networks of Boston
Blue Gothic Design Studios, LLC	GoingBeyondSustainability.com	Office Nomads	Tech:NYC
Blue Moon Wellness	GOOD COMPANY	Office of the New York State Comptroller	Technicians For Sustainability
Blue Mountain Solar, Inc.	Good Start Packaging	OgreOgress productions	Telluride Ski & Golf
Blue Star Integrative Studio	GoodLight Natural Candles	OhmConnect	Ten Over Studio Inc
BlueKitty, Inc.	Goodmeetsworld	Oliver Russell	Tender Greens
BlueSky Investment Management	Google Inc.	Omni Tech Medical	Terra Alpha Investments, LLC
Bluesource	goTenna	Omnidian	Terrapin Bright Green
Bluestone Life	Governance & Accountability Institute, Inc.	ON3P Skis	TerraVerde Capital Management LLC
Bluestone Life Insurance Company	GPM Global	One Architecture	Tesla
Blumenthal Consulting	Gracefully Global Group LLC	One Village Coffee	Teton Gravity Research
BMDM Digital Marketing	Gracefully Green, LLC	One World Play Project, Inc	Tevlin Strategic Communication
BoaterTalk, Inc.	Grand Solar, Inc.	OneEnergy Renewables	Text100
Bogus Basin Mountain Recreation Area	Granite Horizon, LLC	Onfleet, Inc.	TG Studios
	Gratitude Railroad	OnwardClick, Inc.	Thanksgiving Coffee Company

Bonnaire Enterprises LLC	Gray Leaf Consulting	opsZero	Thar Energy, LLC
Bora Architects	Great Green Content	Optimus Technologies Inc.	The Added Edge
Boreal Mountain Resort	Green America's Green Business Network	Optoro	The Alchemist Brewery
Boston Common Asset Management, LLC	Green Builder Media	Oregon State Treasury	THE ALPINE COLLECTIVE
Boston Ikebana	Green Century Capital Management	ORGANIC INDIA	The Ansar Law Firm
Boston Trust/Walden Asset Management	Green Clean Maine, LLC	Organic Valley	The Big Bad Woof
Boulder Associates	Green Depot	organicARCHITECT	The Blueshirt Group
Bowerbird Communications	Green Dinosaur, Inc.	Oroeco	The Brigade
Box Latch Products made by Eco Latch Systems, LLC	Green Energy Options	Ortlieb USA LLC	The Builders Fund
Boyne Resorts	Green Girl Land Development Solutions LLC	OSC2	The Carry-On Collective
Brannan Management Company	Green Hammer	Osceola Energy	The Change Creation
Breaking Ground Contracting	Green Heron Tools, LLC	Outdoor Industry Association	The Chile Woman
Breckinridge Capital Advisors	Green Ideals Group	Outerknown	The Davidson Group
Brendle Group	Green Point Juicery	Outlaw Soaps	The Eco Laundry Company
Brendshann Construction Co Inc	Green Retirement, Inc.	Outpost Natural Foods	The Estée Lauder Companies
Brew Media Relations	Green Travel Media	Overseas Food Trading	The Fool's Dog
Brewery Vivant	Greenbank Associates	Owens Business & Consulting, LLC	The Glass Jar, Inc.
Brick House Wine Company	GreenBeams, LLC	P.L.A.Y. Pet Lifestyle And You, Inc.	The Glass Man Professional Window Washing Company, Inc.
Bridges Produce	greenblendz, inc	Packsize International LLC	The Green Engineer, Inc.
Bright Power	Greenbuild International Conference & Expo	Palace Market	The Hartford
Brighton Resort	Greener Environments, Inc.	Paladino and Company	The Hatcher Group
Brigit Ventures	GreenerU	paleBLUEdot LLC	The Horah Group
Brink Communications	GreenField Health	Palmetto	The Hvizda Team LLC/ Keller Williams Realty Metro
Briontech, Inc	Greenhouse Loft	Paradigm General Contractors/ Construction Managers	The John Merck Fund
BROAD Group	Greenpoint Innovations	Park Foundation	The Junkluggers
	GreenProfit Solutions	Parliament of the World's Religions	The Leland Group
	Greentown Labs		The Lion Company, Inc.

Brooklyn Grange Rooftop Farm	Greenvest	Parasolka	The Lot Radio
Brooks Sports	GreenWorks Design/Build	Parnassus Investments	The Matching Dots
Bruss Project Management	GreenWorks Development, LLC	Participant Media	The North Face
BuddhaInspired	GridMarket	Partners In Crime Creative Syndicate LLC	The P3 Organization
Buffalo- NiagaraGardening.co m	Griesinger Films	Patagonia	The Pension Boards - UCC, Inc.
Buglet Solar Electric Installation	Grounds for Change	Paul's Boutique Ginger!	The Philosopher's Stoneground
Building Bridges Counseling and Consulting	Group Nine Media	Pax World Funds	Regenerative Nut Butters
Bullitt Foundation	GruenerVentures	Peace Coffee	The Plantsman
Bunk House at ZION	Habitate Property Management	Pearson	The Program
Burgeon Group, LLC	Hackensack Meridian Health	Pegasus Capital Advisors, L.P.	The Rose Family Foundation
Burton	Halcom Consulting llc	Pegasus Solar Inc	The Ruskin Group
Burton Snowboards	Halperin Creative, LLC	Penguin Random House	The Scott Petinga Group
Business Consulting of NH, LLC	Hammerschlag & Co. LLC	Peninsula Clean Energy	The Seminar Group
Business Culture Consultants	Hampshire Power	PeopleDoc	The Shift Network
Business Wisdom	Hand in Hand Soap	PeopleSense Consulting	The Siren Agency
C+C	Handy	Perkins Eastman	The Skoll Foundation
C2 Energy Capital	Hangar	Perkins+Will	The Stella Group, Ltd.
CA Technologies	Hannon Armstrong	Permaculture Gardens	The STEMcell Science Shop
Cahail Construction	Happy Family Brands	Personal Beast Inc.	The Sustainability Guys
Cairn Labs	Happy Tails Day Care & Pet Resort	Pete and Gerry's Organics, LLC	The Tembo Group
Califia Farms	HARBEC	Peter L. Villa Fine Art	The Traveler Site
California Clean Energy Fund	HARRISON architects	Petersen Green	The Wei
California Olive Ranch	HaydenTanner, LLC	PG&E Corporation	The YES Bar Company
California Ski Industry Association	Hazel & Dot LLC	Phoenix Cycle Shop LLC	Think BIG Consulting
California State Controller	Hazelrigs Architecture & Design, pllc	Photo Booth Entertainment LLC	Thinkshift Communications
CaIPERS	HEALRWORLD LLC	Phyn	thinkstep Inc.
	HeartPath Acupuncture, LLC	Pinwheel	Third Partners, LLC
	Heather Paulsen Consulting		This Is Folly Design
			Thornton Tomasetti

CalSTRS**Calvert Research and Management**

Cambia: Regeneration by Design

Cambridge Energy Advisors

Cambridge Naturals

Campbell Soup Company

Campman

Cantabrigian Mechanics

Capalino+Company

Cappello's

Capricorn Investment Group

Capron Company, Inc.

Carbon Consultants, Inc.

Carbon Credit Capital

Carol Cone ON PURPOSE

Carolina Biodiesel, LLC

Carolyn Bates Photography

Catalyst Clean Energy Finance, LLC

Catbird

Catholic Health Initiatives

Cause Strategy Partners, LLC

CDI Meters, Inc.

Ceconi Consulting

Celilo Builders

CEM Design, Architects

Helicon Works

Heritage Solutions

Herman Miller**Hewlett Packard Enterprise**

HimalaSalt

HJKessler Associates

Holiday Valley Resort

Home Efficiency Resources

Homeboy Recycling, a California social purpose corporation

Homefree, LLC

Hometeam

Horse & Dragon Brewing Company

House Kombucha

HP Inc.

HSL Development

Huck Design

Hugh Lofting Timber Framing & High Performance Building

Humanity, Inc/SoulBrandingSM[®] Institute

Humans on the Move

Humanscale

Hungryroot

HydroCycle Engineering

HydroQuest

Hypable Media

I-tal Collective

I.M. Systems Group, Inc.

IBM Corporation

PIPs Rewards

PIRCH, Inc.

Pisticci Restaurant

Pitchfork Communications

PIXTERITY

Placetaylor Inc.

Planet Labs

PlanGreen

PlayingFire

PLC Repair

Pleasant Valley Botanicals

Plum Organics

POINT380

Polar Solar

Portland General Electric**POWDR**

Prairie Ventures, LLC

Prana Business LLC

PRB Connect

Preserve

Priority Veterinary Management Consultants

Productive Learning LLC.

Proficia, LLC

Profit Enterprises, LLC

Progressive Asset Management

Progressive Investment Management

Prologis

PromptWorks, LLC

ProofPilot

Thought Leader Public Relations

ThoughtWorks

Three Corners Capital

Thrive Impact Sourcing and Ingage Partners

Thrive Market

Thunderbolt Clean Energy, LLC

Tierra Vista Tours & Consulting

Tiffany & Co.**Timberland**

Time Crunch Health & Fitness

Time4Good

Ting

Tinybop Inc

TiTAN Platform US

Toad&Co

Tomlin Lighting, Inc.

Top of the World Books, LLC

TopHatch, Inc.

Toshiba America Business Solutions, Inc.

Towle Enterprises

TPG

TPSS Co-op

Trade It, Inc.

Tradepal, Inc

Traditional Medicinals

Transformative Wealth Management, LLC

TransitScreen, Inc

Center for Purposeful Leadership	ICCR (Interfaith Center on Corporate Responsibility)	Prophecy Impact Investments, LLC	TransPower
CenterPoint Financial, Inc.	IceStone LLC	Prospect Silicon Valley	TravGanic
CF Services Group, Inc.	ICO Consulting	Prosperity Candle	TreeHouse
CFO on Speed Dial	Ideal Energy Inc	Providence St. Joseph Health	Trek Light Gear
ChangeWorks of the Heartland	Ideal Energy Inc.	PSCCU	Tri-State Coalition for Responsible Investment
Chicks Climbing and Skiing	Idlewild Co.	Public - Supply	Trillium Asset Management
ChicoBag	IKEA NA Services LLC	Puget Sound Solar	Trilogy Interactive
Chosen Futures	Image 4	Pulp Pantry	Trinity Health
Christopher Intellectual Property Law, PLLC	Impact Infrastructure, Inc.	Puralytics	Triple Mountain
Christopher Reynolds Foundations	Impax Asset Management	Pure Strategies	TripZero
Chuckanut Builders	Incandescent	Putnam-Pritchard Interiors/NUBU Design	Triskele Collaborative
Ciao Thyme	Independence Solar	Quad Analytix	Tuckerman & Co.
Ciel Power LLC	Independent Power Systems	Quality Choices, Inc.	Tumblr, Inc.
Circle Furniture	Indigo Natural Marketing & Sales	Quantum Financial Planning LLC	Twilio
City Compost	Indow	Quarterdeck LLC	Twitter
Clarifai	Infer Energy	Queen & Associates	Two Parts
Clarins USA	Infinitum Humanitarian Systems	Querencia Studio	U.S. Green Building Council
Class Act Boutique LLC	Information Technology Industry Council	Queridomundo Creative	Uber Technologies, Inc.
Classic Boat Shop	Ingersoll Rand	Quizlet, Inc.	Udacity, Inc.
Classique Floors + Tile	inNative	Quri	UltraCell Insulation, LLC
CLC Advisors, LLC	Innovation & Tech Today	Rakowsky Mediation	UncommonGoods
Clean Edge, Inc.	Innovation for People	Rancho Gallina Eco-Retreat	Under Armour
Clean Marine Energy	Innovative Power Systems, Inc.	Ravenswood Natural Health	UNFI United Natural Foods Inc.
Clean Yield Asset Management	Intopia	RC Flying Cameras, LLC	Unilever
CleanCapital	Inova LLC	RDF LLC	Unitarian Universalist Association
CleanChoice Energy, Inc.	Inovateus	RDI Engineering	Unite the Center Incorporated
CleanTech Docs, Inc.		RE-LAB	United Church Funds
		Re-nourish, LTD.	Unity Digital Agency

CleanWave Group	Inquiry Institute International	Read and Write NYC Inc	University of Vermont Medical Center
ClearBridge Investments	Insight Network LLC	Readiness Rounds	Untours
Cleaves Consulting LLC	InStep Consulting LLC	REBBL	Up Country Inc
Clif Bar & Co.	Integral Group	Recyclebank	Upward Architecture
Clif Family Winery	Integrated Power Contracting LLC	Red Gopher Coop Corporation	Urban Moonshine
Cliff's Flooring Solutions	Intel Corporation	Red Key Solutions	Urban Offsets
Climate Coach International	Interface	Red212	US Rail Developers Corp.
Climate Finance Advisors, Benefit LLC	International Flavors & Fragrances Inc.	Reddick Investment Properties	Vail Resorts
Climate Social, LLC	Intersection	Redstart Creative	Valley Forge Fabrics
Closing The Loop	Intex Solutions, Inc.	Reduce. Reuse. Grow. Inc.	Valley of the Flowers Landscaping, Inc
Cloudability	Invenergy	Refactor Capital	Velasquez Family Coffee
CO2logic Inc.	Investment Insights, Inc	REFU Inc./ Prettl Energy	Venner Consulting
Coalesce	IRN-The Reuse Network	Region VI Coalition for Responsible Investment	Verbio Group
Cobble Hill Think Tank	Iroquois Valley Farms	ReGrained	Verical Group
Codecademy	ISOS Group	REI Co-op	Veris Wealth Partners
Coerver Analytics, LLC	iSpring	Relish Studio	Veritas Technologies LLC
Coherence Collaborative	J. Glynn & Company	Resonant Energy	Vermont Ski Areas Association
Coldstream Creative	J&B Importers, Inc.	Resource Fiber LLC	Vermont Smoke & Cure
Collective Resource, Inc.	Jack Of All Fares	Resources In Action	Vernier Software & Technology
Colorado Medical Waste, Inc.	Jackalope Wine Cellars	Responsible Leader Group, LLC	Vert Asset Management
Colorado Ski Country USA	Jahmu PBC	RESTIN	Veteran Compost
Columbia Green Technologies	Jamit! Baskets	REV Sustainability	VF Corporation
Columbia Sportswear Company	Janarus - The Good Janitors	Revamp Engineering, Inc.	Via
Comfy	JanSport	ReVision Energy	VIANOVA
Committee on Mission Responsibility	Jelmar, LLC	Reykjavik Geothermal	Vigilent
	Jeux De Vagues	Reynders, McVeigh Capital Management	Vikre Distillery
	Jim Henry Architect	RGI	Villicus Farms
	JLens Investor Network		Village Capital
	JLL		

Through Investment of the Presbyterian Church U.S.A.

Common
Community Benefit Consulting
Compass and Nail, Inc.
Condition One
Confections With Convictions, LLC
Confluence Sustainability
Congregation of St. Joseph
Congregation of the Sisters, Servants of the Immaculate Heart of Mary, Scranton, PA
Connecticut Retirement Plans and Trust Funds
Connective Impact
Conscious Business Institute
CONTEMPL8 T-SHIRTS LLC
Convex Technologies, Inc.
Conway & Silver, Energy Associates LLC
Cool Energy, Inc.
Cool it, Earth! (LLC)
Cooper James Investments
Copper Mountain Ski Resort
Coppertoppe Inn & Retreat Center

Joe's Tree Service, LLC

Johnson Controls**Jonathan Rose Companies**

JouleBug
Joule Energy
Joy Life Inc.
JSA Financial Group
JTN Energy
Just Business
JUST Water
JWC Coffee Merchants

K2 Sports

Kahl Consultants
Kaiserman Company
Kamanu Composites, LLC

Kargo

Keap Candles

KEEN, Inc

Keewi
Keene Advisors
Keller Estate Winery
Kendall Investments
Kennard Wealth Management Group
KERBspace
KGP Design Studio
Kickstarter, PBC
Kids Organic Clothing Company
KieranTimberlake
Kikim Media
Kilauea Bakery & Pau Hana Pizza

Rhode Island General Treasurer Seth Magaziner

Ribose Inc.
Richmond Global Compass
Right Hat
Rincon-Vitova Insectaries
Rio Grande Renewables, LLC
RiskSOURCE Clark Theders
Rivanna Natural Designs, Inc.
Rivermoor Energy
rksDesign
RLP Wealth Advisors
Robin Labs
Rocca Family Vineyards
Rockey Enterprises Inc
Rods and Cones
RoShamBo
Rothy's
RoundPeg
Royal Caribbean Cruises Ltd
Royal DSM
RRS
Ruhl Walker Architects
Rune's Furniture
s2 Sustainability Consultants
S&C Electric Company
s2 Sustainability Consultants

Village Green Global Inc

Vincent P. Calvano, LLC

Vinyasun

Virgin Management

Visceral
VisionPoint Consulting, Inc.

Vista Caballo

Vivid Story

Volvo Group North America

Wadleigh Falls Group

Wagner Custom Skis

Walmart**Warby Parker****Washington State Investment Board**

WashPark Capital
Waste Farmers
WATERSHED LLC
Watershed West, LLC
WaterSmart Software PBC
WayUp
WeatherPrep, LLC
Weinstein PR
WeNeedaVacation.com
West Paw
Western Union
Wetherby Asset Management
Whale's Tale
Whitney Architects
Whole Earth Grocery

Coradine Aviation Systems	Killington Pico Ski Resort	SABArchitects	Wholesum Harvest
Cornerstone Capital Group	Kimberton Whole Foods	Safari Energy	WholeWorks
Cornucopia Group	Kinetic North Consulting LLC	Saint-Gobain	Wicozani Flutes
Corporate Sustainability Advisors LLC	Kirksey Architecture	Salesforce	Wild Joe's Coffee Spot
Cotopaxi	KL Felicitas Foundation	Sambazon	Willow Garden Preschool
COULSON	Klean Kanteen	Sandwich Video	Wilson Architects
Council Fire	Kleynimals	Sara Danielle Designs	WIMZKL, LLC
CRAFT	Knotel	Sarah Severn Consulting	Win Before Trial
Craft, Main & Co.	Kohler Co.	Saris	Winderlea Vineyard and Winery
Creative Action Network	Kopali Communities LLC	Saunders Hotel Group	Windham Mountain Resort
Creative Creek, LLC	Koppett.	Savenia LLC	Winkler Development Corporation
Cricket Design Works	Kosmenko & Co.	Say it Forward Productions	Wired Flare
Crosby Hop Farm, LLC	Kuity, Corp.	Schweitzer Mountain Resort	WNWN International, Inc.
CrowdBureau, LLC	L'Oreal	Scope 5	Wolf, DiMatteo + Associates
Crystal Mountain Resort	La Colombe	Scott Echols Group, LLC	Woodward Tahoe
CTA Architects Engineers	Lake Flato Architects	Scout Books	Word Sculptures Publishing
Culinary Culture Connections, LLC	Lamey-Wellehan	Scoville Public Relations	Work & Co
Curren Media Group	Last Bottle Clothing	Seagate Technology	WorkSquare
Current-C Energy Systems, Inc.	Laughing Moon Chocolates	Sealed Air Corporation	World Centric
CustomerFirst Renewables	Law Office of Nancy D. Israel	Seattle City Light	Worthen Industries
Cycle Architecture + Planning	Law++	Seed CX	WR Consulting, Inc.
DaisyBill	LCA World	SEED Systems, Inc.	Wrangler
Dallas Maids, LLC	Leadership Momentum	Seedling LLC	Wrigley Investments LLC
Dana Investment Advisors	Lee Canyon	SellerEngine Software	WRNS Studio
Dana Lund Landscaping	LEEDerGroup.com	Seneca Strategic Consulting, LLC	www.cohassetinsurancce.com
	Leff Communications	Seniorlink Inc	Wynkoop Properties, LLC
	Levi Strauss & Co.	SetOcean	Xanterra Parks & Resorts
	Lex Machina	Seventh Generation	
	Lex Ultima Consulting, LLC	Seventh Ward Strategies, LLC	

Dancing Grass Designs LLC	Life Science Planning, LLC	SexyGenius PBC	Xtracycle, Inc.
Danforth Pewter	Liftopia	SFMG	Xylem Inc.
Dang Foods	LighTec, Inc.	SharePower	Y Combinator
Danone	Lightfoot Market	Responsible Investing, Inc	Yahoo! Inc
DanoneWave	LightWire, Inc.	Shartsis Friese LLP	YellowDog Printing & Graphics
Dansko Inc	Lindblad Expeditions	Sheng AI International llc	YES LIFE FOODS, LLC
DataArt	Linton Family Foundation	Sherpapa Supply Company	YIKES, Inc.
Daughters of Charity, Province of St. Louise	Lionheart Prints	Shift Advantage	Yodsampa Consulting
Davis Consulting California	Livingston Energy Innovations	Shifting Patterns Consulting	Yogauonline
Debra's Natural Gourmet	LivSolar Eco Energy	Shutterstock, Inc.	York Machine Works
Decheng Capital		Sierra Leadership	YUNI Beauty
Decoding Sustainability		Sierra Nevada Brewing Co.	Z I A [zero impact architecture]
Deep Stratus, Inc		Sift Science	Zaurie Zimmerman Associates, Inc.
Deer Valley Resort		SigFig	Zen Business Consulting
DeForest Architects		Silicon Ranch Corporation	Zevin Asset Management
Dehn Bloom Design		Silicon Valley Leadership Group	Zimmer Environmental Improvement
Del Sol NRG, Inc			Zimmerman & Co CPAs Inc.
Deschutes Brewery			Zmartar, LLC
Desmos Inc			Zocdoc
Detour, The Adventure Travel Marketplace			Zola
Dharma Merchant Services			Zoos
Diaz & Cooper Advertising			
Dignity Health			
Digs			
Discovery Communications			
Disqus			
Distance Learning Consulting			

Distinction
Management Group
DLG Naturals
Dobson Pipe Organ
Builders

Signatories in bold >\$100 million in annual revenues or >\$5 billion in assets under management.

LEADERS IN THE US ECONOMY SAY “STILL IN” ON PARIS AGREEMENT

“We remain steadfastly committed to the sustainability, carbon and energy goals that we have set as a company and to the Paris Agreement’s ultimate success. Our experience shows us that these investments and innovations are good for our planet, our company, our customers and the economy.” – **Brad Smith, President and Chief Legal Officer, Microsoft**

“The coalition harnesses the power of scientific research and political and corporate leadership to make good on America’s promise to the world. Collectively we have resolved to meet or exceed our Paris Agreement commitments.” – **Dorothy Leland, Chancellor, UC-Merced**

“Climate change is a fact of life that people in Los Angeles and cities around the world live with every day. It is a grave threat to our health, our environment, and our economy — an urgent challenge that requires unprecedented collaboration. The President may be pulling out of the Paris Climate Agreement, but L.A. will lead by committing to the goals of the accord — and working closely with over 200 other Climate Mayors as well as governors and CEOs across the U.S. to do the same.” – **Eric Garcetti, Mayor of Los Angeles, Los Angeles, California**

“As the first state in the Trump era to take executive action to limit carbon emissions and create clean energy jobs, Virginia is proud to join this alliance of states, cities and businesses. President Trump’s announcement to withdraw the United States from the Paris Climate Agreement does not speak for the states and cities that are committed to fighting climate change and paving the way for a new energy economy. If the federal government insists on abdicating leadership on this issue, it will be up to the American people to step forward — and in Virginia we are doing just that.” – **Terry McAuliffe, Governor, Commonwealth of Virginia**

“Collective action is a powerful force that will ensure the U.S. remains on track to meet and hopefully exceed the goals of the Paris Agreement. Lyft is proud to be part of this coalition and will

be taking additional actions in the months and years ahead to ensure we do our part in addressing one of the greatest challenges of our time.” – **John Zimmer, CEO, Lyft**

“UConn is deeply committed to supporting environmental health and sustainability in any way we can. The decision to withdraw from the Paris Agreement does not mean that we as a university should abdicate our own responsibility to do what we believe is best for our state, the nation, and the world with respect to our environment. We will steadfastly continue to do our part in contributing to global efforts to address climate change.” – **Susan Herbst, President, University of Connecticut**

“Seagate will continue to support the ideas and principles outlined in the Paris Agreement. A global response to climate change is required, as inaction will be clearly detrimental to humanity and all living species. We will not abdicate our responsibility to lead in this important effort.” – **Steve Luczo, Chairman & CEO, Seagate Technology**

“Climate change does not need a passport. This is a global issue that needs a global solution. Investors support the Paris Agreement because it makes financial sense. Because we’re a global investor, we’re looking at this not just in the United States but in a whole wide range of markets internationally.” – **Anne Simpson, Investment Director, Sustainability, CalPERS**

“It is very regrettable that the US has decided to withdraw from the Paris Climate Treaty. In our opinion, we should not waste the opportunity to future-proof our economies and companies. We can’t pass on the bill to next generations. Therefore, DSM remains committed to climate action.” – **Feike Sijbesma, CEO, Royal DSM**

“We have been operating on 100 percent renewable energy since 1999, and will remain committed to climate-smart policies in our business and to adopting new and exciting innovations. This is not only good for the planet—it’s good for business. We hope our leaders and fellow businesses will join us in looking ahead and championing the reality that there is no conflict between economic growth and environmental stewardship.” – **Josh Prigge, Director of Regenerative Development, Fetzer Vineyards**

“The loud voice of business and investment - even as the President makes this historic mistake - has been an inspiration. The U.S. economy is an incredibly powerful engine for growth and prosperity and a wide variety of companies and investors have made it clear that even though the President is relinquishing America’s leadership, we will take up the challenge.” – **Jonas Kron, Director of Shareholder Advocacy, Trillium Asset Management**

"We strongly disagree with the decision to exit the Paris Climate Agreement and remain committed to running a carbon neutral business and working toward a clean energy economy. We are proud to stand with millions of Americans, US companies, and city and state leaders who are in support of climate action." – **Kevin Cleary, CEO, Clif Bar & Company**

"Gap Inc. believes that action on climate change is not an option, it's an imperative. This is an issue that impacts all of us, and our company was an early and emphatic supporter of the Paris climate agreement. We're proud to join this group of innovative leaders from cities, states, businesses, and civil society across the US in a commitment to taking action and doing the right thing for our planet and our people." – **Art Peck, President and CEO, Gap Inc.**

"Climate change is one of the most important issues of our time. I believe we are faced today with a choice - we either act responsibly and move to address the damage we've done to our planet, or we act irresponsibly by failing to ensure a climate-resilient future. At Levi Strauss & Co., we will choose responsibility, and I hope that other business leaders will stand with us. Our future depends on it." – **Chip Bergh, President and CEO, Levi Strauss & Co.**

"Aspen Skiing Company isn't just opposing withdrawal from Paris. We're going to fight it to the ground, and we're going to implement the Paris accords ourselves, in our business, in Colorado, and as soon as possible, nationally." – **Auden Schendler, Vice President, Sustainability, Aspen Skiing Company**

"Aveda joins many other businesses, local government and academic leaders in continuing to support climate action to meet the Paris Agreement. Aveda remains committed to our longstanding efforts to fight climate change. We will continue to purchase renewable energy and carbon offsets for our manufacturing and other North American operations while striving to be more energy efficient, work with suppliers to reduce the carbon footprint of our supply chain, work with NGO partners and other business to advocate for urgently needed policies, and educate the professionals in our retail, salon and spa network and their guests on actions they can take to make a difference." – **Aveda**

"Now that Fortune 500 companies are including climate disclosure in their 10-K reports, we have good data indicating the business risks and upside associated with climate are material to shareholders. More than \$4 trillion in assets are at risk due to climate change, \$60 billion in energy is wasted in US businesses alone, and there's a \$5.5 trillion market for low-carbon goods and services. We are ready to capitalize on this business opportunity, creating both jobs and profit for shareholders. At Autodesk, we are all in, and are more committed than ever to enlist our customers to design, build and manufacture net positive climate solutions." – **Lynelle Cameron, VP of Sustainability for Autodesk and CEO of the Autodesk Foundation, Autodesk**

"Mars stands by the Paris Climate Agreement. We remain committed to work with all governments and our supply chain partners around the world to achieve the carbon reduction targets the planet needs." – **Grant Reid, CEO and Office of the President, Mars**

"Man-made climate change is real, the science is incontrovertible, and the threat to our planet is undeniable. We cannot walk away from our obligations and pretend that reality doesn't exist. We're going to fight back, lead by example, and work towards a sustainable future in every capacity we can. If the White House works to turn back the clock on the environment, cities like New York will continue to stand up and protect it. That's why I'm proud to join with hundreds of elected officials, educators, and business leaders in declaring that we'll uphold the Paris Agreement." – **Scott Stringer, NYC Comptroller**

"I have seen firsthand how other countries look to the United States as the most important leader in addressing climate change and the resulting impacts. It is my hope that cities and states will continue to lead this work. The decision of the Trump Administration to pull support of the Paris Agreement is a blow to future generations and the global efforts and commitments that have been made to save our planet." – **Frank Cownie, Mayor of Des Moines, Des Moines, Iowa**

"The President's decision to withdraw from the Paris agreement does nothing but motivate us even more to make responsible decisions on behalf of our planet. Columbia is still committed to finding innovative solutions for renewable energy and protecting the natural resources that we already have. As one of dozens of Mayors for 100% Clean Energy, I know we have the leadership and innovation to ensure our country does not lag behind in the midst of an incredibly important issue." – **Steve Benjamin, Mayor of Columbia, Columbia, South Carolina**

"We are deeply disappointed by the recent shift in climate policy. NIKE believes that climate change is a serious global threat and that the world will need to radically redesign industrial systems and economies in order to enable a low-carbon growth economy. We will continue to honor our commitments on climate, including reaching 100% renewable energy in all NIKE owned or operated facilities around the world by 2025, participating in the U.S. Department of Energy's Better Buildings Challenge and advancing materials innovation globally." – **Hannah Jones, VP, Innovation Accelerator and Chief Sustainability Officer, NIKE, Inc.**

"I am deeply disappointed by our nation's withdrawal from the Paris Climate Agreement. I find energy in the growing list of companies willing to voice their passion, commitment and resolve around our shared social and environmental responsibility. This is an important step for each of us to declare who we are and what we believe in. For us, being a triple bottom line business means putting a stake in the ground around purpose and practices. Across all industries, the time for change is now." – **Eileen Fisher, Founder and Chairwoman, EILEEN FISHER, Inc.**

"State attorneys general are on the front lines fighting to protect our residents, the global community, and future generations from the dangers of climate change. We have long led efforts to promote clean energy and clean energy jobs in our states, advance smart policies to reduce greenhouse gas emissions, and defend the progress we've made to address this threat. On behalf of our communities, our businesses, and our residents, the state attorneys general are proud to join this national alliance in support of achieving American commitments to the Paris Agreement."

– Maura Healey, Attorney General, Commonwealth of Massachusetts

The 19 state attorneys general joining the coalition today include:

Xavier Becerra, California Attorney General	Maura Healey, Massachusetts Attorney General
George Jepsen, Connecticut Attorney General	Lori Swanson, Minnesota Attorney General
Matt Denn, Delaware Attorney General	Hector Balderas, New Mexico Attorney General
Karl A. Racine, District of Columbia Attorney General	Eric T. Schneiderman, New York Attorney General
Doug S. Chin, Hawaii Attorney General	Josh Stein, North Carolina Attorney General
Lisa Madigan, Illinois Attorney General	Ellen F. Rosenblum, Oregon Attorney General
Tom Miller, Iowa Attorney General	Josh Shapiro, Pennsylvania Attorney General
Janet E. Mills, Maine Attorney General	Peter F. Kilmartin, Rhode Island Attorney General
Brian E. Frosh, Maryland Attorney General	Thomas J. Donovan Jr., Vermont Attorney General
	Mark R. Herring, Virginia Attorney General

About this effort

This statement was coordinated by The American Sustainable Business Council, B Team, Bloomberg Philanthropies, Center for American Progress, Ceres, CDP, Climate Mayors, Climate Nexus, C40, C2ES, Environmental Defense Fund, Environmental Entrepreneurs, Georgetown Climate Center, ICLEI, National League of Cities, Rocky Mountain Institute, Second Nature, Sierra Club, The Climate Group, We Mean Business, and World Wildlife Fund.

We Are Still In Press Release — 06/05/2017

FOR IMMEDIATE RELEASE

Leaders in U.S. Economy Say “We Are Still In’ on Paris Climate Agreement

Climate Declaration Represents 120 Million Americans and \$6.2 Trillion of the U.S. Economy

Washington DC - A grand total of 1,219 governors, mayors, businesses, investors, and colleges and universities from across the U.S. or with significant operations in the U.S., representing the broadest cross section of the American economy yet assembled in pursuit of climate action, today declared their intent to continue to ensure the U.S. remains a global leader in reducing carbon emissions.

Together, these leaders are sending a strong signal to the international community and the 194 other parties to the Paris Agreement about the continued commitment of the U.S. to ambitious action on climate change absent leadership at the federal level. In the aggregate, the signatories are delivering concrete emissions reductions that will help meet America’s emissions pledge under the Paris Agreement.

Signatories include leaders from 125 cities, 9 states, 902 businesses and investors, and 183 colleges and universities. Participating cities and states represent 120 million Americans and contribute \$6.2 trillion to the U.S. economy, and include Oregon and cities like New York, Los Angeles, and Houston as well as smaller cities like Pittsburgh, Pennsylvania and Dubuque, Iowa. A mixture of private universities, state schools and community colleges, both small and large, have added their institutions to the statement. In total the undersigned businesses and investors account for a total annual revenue of \$1.4 trillion and include over 20 Fortune 500 companies, including Apple, eBay, Gap Inc., Google, Intel, Microsoft, and Nike, in addition to hundreds of small businesses, have also signed the statement.

The statement calls “The Trump administration’s announcement [one that] undermines a key pillar in the fight against climate change [and a move which is] out of step with what is happening in the United States.” The signers all understand that the Paris Agreement is a blueprint for job creation, stability and global prosperity and that accelerating the United States’ clean energy transition is an opportunity - not a liability - to create jobs, spur innovation, promote trade and ensure American competitiveness. By declaring that “we are still in,” the signatories are putting the best interests of their constituents, customers, students and communities first while assuring the rest of the world that American leadership on climate change extends well beyond the federal government.

In addition to this statement, since President Trump’s announcement to withdraw from the Paris Agreement, 211 Climate Mayors have adopted the Paris Agreement goals for their cities, 13

Governors have formed the bipartisan U.S. Climate Alliance, and 17 governors have released individual statements standing by Paris. Today's statement embraces this rapidly growing movement of subnational and civil society leaders, by announcing that not only are these leaders stepping forward, they are stepping forward together.

To view the full statement, quotes and list of signatories, visit: www.WeAreStillIn.com

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Town of Arlington, Massachusetts

Request Return to 1 Hour Parking in Front of Arlington Chiropractic

Summary:

Gregory Bauer, DC

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Arlington_Chiropractic_CR.pdf	Correspondence

Corres. Rec.
7/24/17

From: Arlington Chiropractic <arlingtonchiropractic1@gmail.com>
To: mkrepelka@town.arlington.ma.us
Date: 07/17/2017 09:23 AM
Subject: Parking Hardship

Marie,

I'm writing to petition the Board of Selectman about a parking hardship outside of our Arlington Chiropractic Office (located at 42 Pleasant St). Our "1 hour parking" sign was recently changed to "4 hour parking". Since the change it has been more difficult for patients to find close available parking. We have patients coming in that are in pain, elderly and disabled and would appreciate if we could return to the 1 hour parking. We greatly appreciate this consideration. Please contact our office if you need further information or to discuss this further.

Regards,

Gregory Bauer, DC (owner)

--

Dr. Gregory Aaron Bauer
Dr. Sarah E. Kochanski
Dr. Melissa J. Crossen
Dr. Lyndsay J. Martin
Dr. Gianna C. D'Errico
Arlington Chiropractic
42 Pleasant Street (RT 60)
Arlington, MA. 02476
Ph. 781-648-4000 fax 781-648-4373
www.arlingtonchiropractice.com



Town of Arlington, Massachusetts

Resignation from Zoning Board of Appeals

Summary:

Suzanne Spinney

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Spinney_CR.docx	Correspondence from S. Spinney

-----Original Message-----

From: Suzanne Spinney <SSpinney@GenesisPlanners.com>

To: "mkrepelka@town.arlington.ma.us" <mkrepelka@town.arlington.ma.us>

Cc: "Patrick@QuinnGroupIns.com" <Patrick@QuinnGroupIns.com>

Date: Wed, 19 Jul 2017 13:29:56 +0000

Subject: Zoning Board of Appeals tenure

To the Board of Selectman

It is with mixed feelings that I tender my resignation from the Zoning Board of Appeals to occur prior to my October 2017 term date. My husband and I will be moving from Arlington most likely in early Fall. I will be able to attend the (tentative) September 5 meeting of the Zoning Board but am not confident I would be a Town resident after that so would like to make this effective as of September 15 (assuming I should still be a Board member to sign any decisions from the September 5 meeting). I know there may be a full docket starting this fall depending on the process with the Thorndike Place potential development so want to make sure you have enough notice to fill this permanent and any associate member positions.

I have enjoyed my work on the Board, and working with ALL my fellow board members and Town staff, particularly with Mike Byrne, Rick Vallarelli and Ashley Maher. Town Counsel Doug Heim and Planning Department assistant director Laura Wiener have also been very helpful on several occasions. I have been impressed with the thoughtfulness and dedication of both the volunteer Board members and Town staff.

I hope to see my fellow Board members at the next meeting and will wish them all the best in the future, as some cases can be quite challenging. And I hope the zoning recodification can make the bylaw interpretation a little clearer.

Arlington is a great community and we will miss many aspects of living here.

Please feel free to anyone to call me on my cell if there are any scheduling or other questions.

Suzanne Spinney



Town of Arlington, Massachusetts

Island at Intersection of Route 2 and Pleasant Street

Summary:

Cathleen Dwyer, 128 Pleasant Street

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Dwyer__CR.pdf	Correspondence from C. Dwyer

From: CATHLEEN DWYER <golfer3055@comcast.net>
To: mkrepelka@town.arlington.ma.us
Date: 07/18/2017 03:43 PM
Subject: Island at Route 2 and Pleasant Street

Dear Marie,

Hope this note finds you doing well??

I have a concern that I would like to share with you. The island entrance to Arlington(at Pleasant Street) is a disgrace!

For several years, residents of Pleasant Street tried to maintain this island, but it was hard to get people to continue working on the island and it was a HUGE safety risk.

If maintaining flowers is too much, then why can't the town put in astro-turf, similar to how Medford maintains their islands.

I am sure people in the neighborhood would be willing to share the expense, if this is an issue.

I drive by 4 days a week at 6am and looking at this eye sore is very unpleasant. Now to boot, there are mice running in and out of the ground brush!!

I know the town has BIG issues to resolve, but I would like a little attention to this small issue.

If you are the wrong person to address this with, please let me know to whom I should write.

Thank you for your time!

Best,
Cathleen Dwyer

128 Pleasant Street



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

EXECUTIVE SESSION



Town of Arlington, Massachusetts

Next Scheduled Meeting of BoS August 7, 2017.